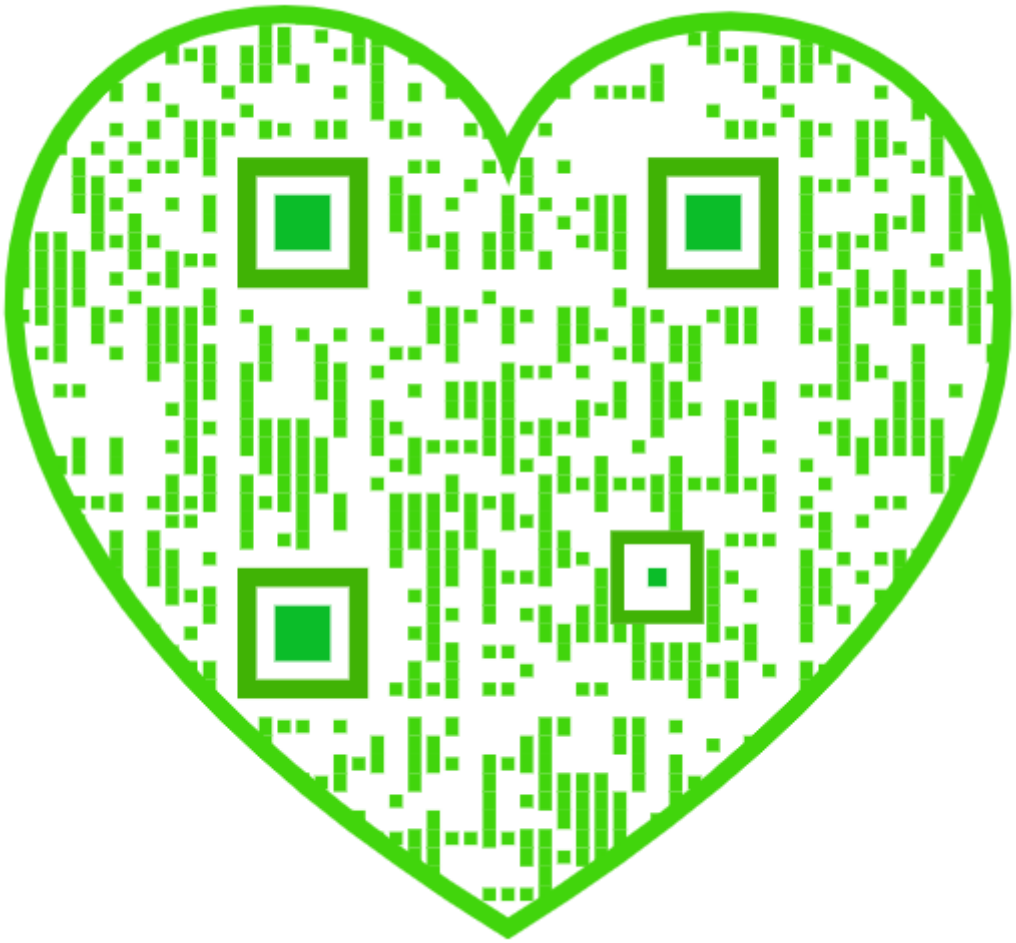
ELEMENTARY ETHICS

NOAH K. DAVIS



ELEMENTARY ETHICS

BY

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AN ABRIDGMENT OF THE AUTHOR'S ELEMENTS OF ETHICS

Τρέφονται πάντες οἱ ἀνθρώπειοι νόμοι ὑπὸ ἑνὸς τοῦ θείου· κρατέει γὰρ τοσοῦτον ὁκόσον ἐθέλει, καὶ ἐξαρκέει πᾶσι καὶ περιγίνεται. — HERAKLEITOS

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PREFACE

THIS treatise is intended for readers who feel the need of a simple, direct and comprehensive theory of morals. Also it is designed to serve as a handbook in institutions for higher education, where the subject of ethics is usually offered to hearers who, though already well advanced in a course of liberal studies, are presumed to have no acquaintance with this branch of philosophy. My experience in teaching it has led me to give such pupils primarily a rounded scheme, postponing an examination of the various and often conflicting views of philosophical moralists. Accordingly, in this elementary treatise, I have simply presented my preferred theory, starting from a principle, proceeding logically in the development of a complete system, and indicating cursorily many practical applications.

The preparation has been long and diligent. I have been in search of truth, glad to receive light from any source, and have now summed the results of my reading, thinking and teaching for many years in what is here offered to my fellow-teachers, hoping it may be suited to their wants, and aid them in imparting high ideals and shaping noble characters. Naturally I am solicitous that my work should be well received and approved, but whatever judgment be

finally passed upon it, I shall have been conscious of sincere desire and earnest endeavor to reach and teach sound doctrine. This task finished, I shall hardly undertake another, but rest in the hope that what is now done shall be found well done, proving a step toward truth in philosophy, and a help toward righteousness in life.

It has been thought desirable, in order to offer the work in available forms, that two editions should be simultaneously issued under slightly varied titles. The text of the "Elementary Ethics" is identical with that of the "Elements of Ethics;" but to the latter are added psychological and philosophical prolegomena, together with a considerable body of marginal notes. As these additions are not at all essential to unfolding the theory, they have been omitted from the present volume, thereby reducing its cost, yet furnishing all that is strictly necessary, and as much as can be advantageously used in the limited time of many classes of students. It is recommended that, while the teacher will supply orally whatever is needed for the elucidation of the text, the attention of the pupil be directed to the table of Contents. This is a logical analysis of the entire work, furnishing a title to every section. It will greatly aid the thoughtful student, both in more clearly apprehending the specific points, and in grasping the theory as a comprehensive whole.

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ELEMENTARY ETHICS

FIRST PART—OBLIGATION

INTRODUCTION

§ 1. In looking on the world around and above us, we discover, amid an infinite variety of ceaseless changes, a certain uniformity established, which, reduced to comprehensive expression, is termed the law of gravity. In looking on the world within us, we discover, amid its incessant changes, a certain uniformity enjoined, which, reduced to comprehensive expression, is termed the law of morality. The law of gravity represents something real, a fixed corporeal order, with which we have to do in every waking moment of active life, and to which we must constantly adjust the movements of our bodies. The law of morality also represents something equally real, a required spiritual order, with which we constantly have to do, a universal mandate overruling all relations between man and man, to which must be adjusted every voluntary action and proposed line of conduct. The reality of moral law as an inflexible factor in human life, involved in the essential constitution of human nature, is a scientific truth, as undeniable as the law of gravitation, and one whose importance surpasses comparison.

Science has been well defined to be a complement of cognitions, having, in point of form, the character of logical perfection; in point of matter, the character of real truth. More briefly, science is systematized knowledge. There are

a number of sciences which may be distinguished as sciences of human nature, Ethics being the chief. Pre-supposing and involving more or less knowledge of the others, it assumes a basis, develops a system, and elaborates principles and rules for the conduct of men individually and collectively. In view of its basis, Ethics is the science of rights: in view of its system, Ethics is the science of obligation.

§ 2. The hypothesis of evolution has been applied to the explanation of ethical phenomena. Evolution, as a doctrine, is concerned with sequence in the form of a series, without a beginning and without an end. It can neither ascertain the primal origin of the series, nor predict its ultimate issue. Only a small section of the series is accessible to observation, yet it is boldly projected into a prehistoric past, and upon this hypothetical history is founded an explanation of present phenomena. The speculation is pleasing but hazardous. It inquires how morality has come to be, assuming an origin in some heterogeneous principle transmuted under the influence of environment. But we are rather concerned to know what morality is, and purpose to study its phenomena as manifest in mankind of to-day and of history. Inquiry into its genesis and prehistoric development may well be postponed until at least we have a firm hold upon the thing itself.

There are many moralists who educe their ethical systems from the Scriptures. No doubt the light of revelation has enabled the Christian philosopher to advance far beyond the conceptions of the heathen world; his higher height has given him a greatly enlarged horizon. But a science may not borrow its essence, nor appeal to authority in support of its doctrines. More especially we should not confuse science and revelation. These are distinct though concordant means of knowledge, the one aspiring to attain truth by its own effort, the other condescending to impart from its abundant

store. If Ethics is to take rank with the philosophical sciences, it must have a basis of its own, and build thereon its system. Therefore, in the progress of our proposed investigation, we shall in no case cite Scripture as warrant or as proof, but only for illustration or verification. Still it will be encouraging to find the elaborated and the revealed doctrines in accord, and mutually corroborative.

§ 3. A brief sketch of the ground and the process adopted in the present treatise is now in order.

The basis assumed is human nature. Man has an original, native constitution, which, however much it may be distorted, disordered and depraved by his perverted free wilfulness, is nevertheless traceable amid its ruins. There are certain fundamental and essential features of humanity, which no process of suppression or violation can ever wholly efface. There are capacities and faculties whose organic functions in their mutual relations, and relatively to their environment, are clearly manifest, however enfeebled by misuse, or deformed by abuse. The recognition of these features and powers, and a representation of their orderly functioning, is an ideal restoration of human nature to its normal condition, and to its fitting place in the life of the world. This rehabilitated man we shall call the natural man, and propose to find in him, in the native ordering of his being, a safe and sufficient ground for determining his universal though intricately varied obligation.

Referring to the foregoing definitions of Ethics, we observe that a right in one person is correlative to an obligation in some other person. A right and an obligation exist only as they coexist; neither can be alone. But rights are logically prior; they condition and originate their corresponding obligations. For a right, being founded in the nature of its possessor, determines that there be a corresponding obliga-

tion; whereas an obligation cannot be conceived to determine a right. Hence we shall take the notion of a right as our point of departure for a search into the philosophy of morals.

As already indicated, the matter that constitutes the content of Ethics is real truth. In order to become a science, its matter must be developed in logical form whose perfection is attained through clear, distinct, complete and consistent treatment. To approximate this ideal a methodical procedure is requisite. Beginning with observation, primarily of facts of consciousness gathered by introspection or furnished by testimony, and secondarily of the behavior of men in social relations, present and past, the intellect discovers in these phenomena the universally determinative notion of inherent rights, native and acquired, and therein discerns a formative principle, imperative in character, and constituting the common bond of obligation among men. This strictly universal and necessary principle is not inductively generalized, but is intuitively discerned. From it deductions are then made to subordinate truths, until these, arranged in a logical system, shall extend throughout all lines of human activity, and comprehend all modes of human obligation. Ethics thus constituted is a deductive science.

In this essay the First Part treats of the source and character of Obligation. Its view is confined to the moral bond subsisting in the simple relation of man to man in entire parity and reciprocity. The Second Part treats of the varieties of obligation arising from the varieties of relation due to the Organization of men into complex associations.

CHAPTER I

RIGHTS

§ 4. Every man conceives himself as having certain personal rights which he esteems of great worth, and guards with jealous care. Throughout life he is chiefly occupied with enlarging, confirming and defending them. They are a sacred possession which he zealously maintains, and whose loss or diminution he regards as degrading his manhood. This is one of the most striking and significant facts in the historical and current activities of mankind.

Thence arises much of the strife that continually agitates the world. Among barbaric peoples personal violence is commonly used to maintain or to recover what one claims to be his personal rights. Among civilized peoples courts of justice are established to determine the relative rights of contending parties, and an executive is empowered to enforce their decrees. Nearly all the litigation abounding in every nation throughout history is a contention for real or imaginary rights.

While each individual man has his own private rights, there are many of which he is possessed in common with other persons. The maintenance and development of common or public rights is committed to organized society, the tribe, the state, the nation. When the claims of one on another of these conflict or are questioned, diplomacy assumes to adjust the rights involved. This failing, recourse is had to war. Hence the innumerable battles that mark the tragic history of mankind.

§ 5. Evidently the notion of a right, since it is the source of such intense particular and social activity, has deep root in human nature. Also it is evident that, throughout the contentions to which it gives rise, there is an appeal to some common principle or law of widest generality, applicable to an infinity of cases, and of the highest practical importance in the progressive life of humanity. But inasmuch as this universal and overbearing law is for the most part obscurely discerned and imperfectly formulated, it is inevitable that men should differ often and widely in its application to particular cases. It is the province of Ethics to search out and formulate the law, and to unfold its general bearing on the several classes of its subjects.

To this end let us fix discriminating attention on the notion of a right. It is an abstract from personal relations, and catholic in them. Whenever and wherever two persons come into any mutually affective relation whatever, then and there come into being reciprocal rights, and consequent obligations. The abstracted notion of a right, being pure and simple, is as to itself incapable of analysis, and hence of formal definition. But we may examine its conditions, its antitheses, correlatives, and other implications, and thus clear the conception, and distinguish it by its invariable environment and limitations. This analytical process will disclose fundamental and determining elements, fixing clearly the scope and bearing of the notion, and evolving the formative principle and the law involved in its essence.

§ 6. Life is obviously a primary condition of any right. Only living beings have rights. The notion is incongruous to a stock or a stone. Among living beings, those alone can be conceived as having rights that are endowed with a consciousness involving at least volition, its primary element, conjoined with some degree of sensibility. A right, then, is

a logical property, a mark that belongs to this, and to no other class of beings.

But conscious life is not merely a condition of rights, not merely what must be in order that rights may be. There is in its very nature that which determines that rights shall be. They are of its essence. Thus every conscious being necessarily has rights by virtue of its ultimate constitution. It is not necessary that every one so constituted should be aware of the fact, either in detail or in general, not even in the most obscure way. But the higher orders of conscious beings recognize relatively to themselves the existence of rights in the lower orders, though these be quite destitute of the notion.

§ 7. Every man has, elemental in his conscious life, certain powers of mind, and thence of body. These powers, faculties and capacities, belong to his nature, to his original constitution, and are essential in his make-up as a man, as a human being. They are, more specifically, conditions psychologically antecedent to the existence and apprehension of rights, and rights are the natural and necessary consequence of their existence. That is to say, powers and rights are natural, constitutional, original correlatives.

These native powers are distributed as modes of knowing and feeling, desiring and willing. The members of the latter couple constitute more particularly the practical side of human nature, and are intimately concerned with the existence and exercise of rights. Therefore on them especially we fix our present attention.

A desire implies an impulse, occasioned by a want, urging the will to an activity, relative to other powers, such as seems likely to result in gratification. Every one is actuated by desires which thus motive his conduct. These sources of activity are the determinants of his welfare, and his rights

have in them their ultimate ground. Hence it is only as his desires, either actual or potential, are infringed that his rights are affected; and to that for which he has not and cannot possibly have a desire, e. g., a villa in the moon, he has not and can never possibly have a right. Normal desires, or such as have an instinctive rise, and are in accord with the general order of nature, impel toward the fulfillment of the appropriate functions of the man in a world of persons and things. This consideration of its terms brings into clear view the truth of the principle: *A man has a right to gratify his normal desires.*

Every volition or act of the will is immediately conditioned on desire; that is to say, no exercise of the will can occur except by virtue of an antecedent desire which as a motive impels it to action. But notwithstanding this dependence, the will is to be regarded as central in the personality, since it has the function to control, modify, suppress or arouse the activity of all other powers, including even its conditioning desires. Freedom consists in the possibility of this voluntary exercise of one's powers, and without freedom it is evident that their normal functions cannot be fulfilled, or that freedom is necessary to the natural working and development of the entire personality in its existing relations. These considerations bring to light the truth of the principle: *A man has a right to a free use of his native powers.*

The two statements are not to be taken as distinct principles. Together they constitute the mutually dependent and complementary parts of the consistent whole: *A man has a right to a free use of his native powers in the gratification of his normal desires.*

This principle is the basis of Ethics. It is axiomatic, self-evidently true, not needing or admitting any logical proof; for the intuitive, synthetic *à priori* judgment involved in the pure notion of a right, finds its immediate application to the

desires and volitions. At first view it may appear thoroughly egoistic or selfish in character, but the outcome of a patient and thorough scrutiny of its bearings will reverse this primary impression. Likewise its formal universality may seem to sanction unbounded license, but the close inspection to which we shall submit it will discover very stringent limitations, not arbitrarily imposed, but arising from the matter of its constituent terms, and leading to a disclosure of our varied obligations. Thus there is no need to look beyond the natural and original constitution of man, despite its weakness, perversion and distortion, to discern the prolific principle of morality.

§ 8. In view of their objects it is usual to name three kinds of rights: the right to life, the right to liberty, the right to property. This division appears in the three fundamental verbs: to be, to do, to have. But the species are not independent, for each involves the other two as complementary correlatives.

It follows that either two may be regarded as modified forms and be expressed in the terms of the third. Thus, for instance, life without some measure of liberty in the use of instrumentalities, could hardly claim the name.

Also, life and liberty are commonly spoken of as forms of property; as when one says, my life, his liberty. Indeed rights in general are viewed as forms of property in the familiar phrases, my rights, our rights, their rights. We correctly say that every man has rights, he owns them, he is their proprietor. Some rights he may dispose of at will, others are inalienable except by forfeiture; but, so long as they inhere in him, they are his possession, his own. The sense of proprietorship in rights is very strong, as seen in the tenacious retention and persistent defense of them when menaced.

Likewise the several kinds of rights may be reduced to the right to liberty. Conscious life is an aggregate of active powers, and a power is a possibility of change. A right to life is a right to exercise these powers, a right to self-determined change, which is liberty. Also property in external things means liberty to make use of them. To be dispossessed of any property is to be deprived of this liberty; but the thing is still one's own, and the right to its free use, though suspended, remains. Thus ownership in external things is a right to liberty.

Of these reductions, the last, though least familiar, is most clearly real, and of widest and deepest import. Hence, while we cannot avoid using the language of possession, we shall adhere to the view that every right, in its last analysis, is a right to some phase of liberty, to the untrammeled exercise of ability. Manifestly the cardinal element in the principle already formulated is a right to liberty in this general sense, and on it our further consideration shall chiefly turn.

CHAPTER II

LIBERTY

§ 9. Freedom means the absence of causal restraint or constraint. It is a function purely negative, yet a special subjective property of volition. It is the power of choosing. Causative determination is incompatible with the existence of choice, for in causation there is no alternative, whereas in choice an alternative is essential. The power of choosing is simply the ability to decide freely for one act or line of conduct rather than for its possible alternate.

Whether or not there be in reality a power of choice is an old and difficult question in metaphysics. Without renewing its discussion, the point is here made that the reality of choice is a necessary condition and hence a postulate of Ethics. Whoever is morally responsible must be free. Consequently we here assume that in all voluntary activity there is real freedom in measure sufficient for responsibility.

§ 10. Certain limitations of freedom need now to be observed. Freedom lies in the power of choice, and in it alone. All other powers of mind are subject to causation, their activities being always definitely determined by causative antecedents. That choice alone is free is a simple fact in human nature, and a very narrow constitutional limitation of our original and originating ability; but it is the essential difference between a creator and the passive work of his hands. It renders possible not only moral obligation, but also an infinite variety of self-determined activities.

A choice resolved is intention. The intention accords with that desire to which preference is given by choice. The elected desire, if it be for action, induces a voluntary effort whose end is the object desired. This effort consists solely in an act of attention. The fixing attention more or less intense on a chosen object is the total of possible voluntary energy. We observe here a second very narrow constitutional limitation of human ability. Still this power of attention proves sufficient for the purposes of life, and for fulfilling the demand for moral action and conduct, since by means of it we are capable, directly or indirectly, of complete self-mastery.

Because determined by the free act of choice, freedom is attributed to the exercise of attention. This freedom, however, is not absolute, but suffers restriction. That the exercise involves effort, a nisus or striving, shows the presence of obstacles within the mind itself. Evidently there is some mental inertia to be overcome, which checks and limits the action; otherwise there would be no occasion for effort, no point of application whereon to expend energy. Herein is a third limitation.

Mental effort is a force or cause, free in that according to choice it may or may not be put into play, and in that, if put into play, its intensity may be varied. Now the mental may be transformed into physical energy, and issue in muscular action. This, too, is accomplished through attention. To move my arm, I must have an idea of the arm and of it as moving. Fixing my attention thereon, and willing the realization, the arm moves accordingly. This is inexplicable. We know it only and simply from experience. But let it be observed that the direct control of the animal body lies exclusively in this power to contract, according to choice, the voluntary muscles, a limited class, thus producing motion of the limbs and some other organs, while very many vital

activities, as pulsation and digestion, are beyond direct control. Moreover, when the movable organs are at liberty, still the extent of their motion is very closely circumscribed. This discovers a fourth very narrow constitutional limitation of free action, restricting or confining it to the ability to contract a muscle, and so to move a member through a small space. Still it is much, very much, to possess and to have at command a free physical force, free in that it accords with choice, which force we may use at will, combining it with fixed natural causes, varying its direction and small intensity, so as to arrest or modify the operations of nature.

It is a noteworthy corollary that this limitation to locomotion extends to the body as a whole, and to all external things. These we move from place to place, but this is the total of our direct physical efficiency. The planter moves a spade and seed from one place to another; the forces of nature do the rest, producing the crop. The smith moves his hammer up and down, the weaver throws his shuttle to and fro; the outcome is fabricated by virtue of the natural forces inherent in the materials. A knowledge of natural forces, and an intelligent, purposeful placing of things so as to take advantage of them, enable men to manage factories, to tunnel Alps, to navigate oceans, to wrap the earth with iron, and to cover its face with cities. But in all his infinitely varied works, man has at command only the single free physical ability to place or displace things.

§ **11.** Freedom isolates each man from every other, setting him apart and alone in the universe. For this center of his personality is intangible, out of reach of any other being. By the gift of his image the Deity has made man to this extent independent of himself, putting it beyond his power to cause a human creature willingly to do otherwise than that creature may choose; since therein would be a contra-

diction. He may reason and persuade, command and threaten, but cannot causally coerce the man, for this destroys the essential conditions of personality; the man in such case is not a man, not a moral being. Much less may a fellow-man causally determine his choice. One may destroy another's life, but not otherwise his personality. The freedom of man, within constitutional limits, is absolute.

Freedom and liberty are synonymous terms, denoting the absence of causal determination. They are commonly used interchangeably, but it will be convenient here to use them distinctively. Freedom signifies the absence of causal determination antecedent to and effective of election and intention. It is strictly subjective. Liberty signifies primarily the absence of preventive causes subsequent to intention, of obstacles, impediments or hindrances that interfere more or less effectively with its successful accomplishment. It implies the untrammeled exercise of voluntary effort in its normal function of carrying out the intention. It is objective in that it has reference primarily and especially to external difficulties. A prisoner is entirely free in preferring release to continued confinement; but not until the door opens is he at liberty. The term is also applied in this sense to purely physical facts; as, an unscotched wheel is at liberty; a spark on powder liberates energy.

§ 12. The exercise of liberty or free action, in the sense just indicated, often suffers restrictions that diminish it, even to annihilation. Neglecting impossibilities and impersonal difficulties, we shall consider only those restraints that arise from the conflict of other wills.

One person may effectively interfere with the liberty of another by using his own muscular force, either directly or by setting obstacles to bar the way. The man thus assailed may be overpowered by stronger handling, and be fettered or

imprisoned. Also he may be beset and embarrassed in his taking or keeping possession of property, in producing and imparting. Also any withdrawing or withholding of means which he might use to attain a chosen end, is an interference with his liberty. Such external interferences may occur in an infinite variety of ways, and are cases of causal determination.

§ 13. There is, however, a secondary sense, even more important and perhaps more frequent, of the use of the term liberty, in which it signifies the absence, not merely of causal restriction, but also of any inducement presented to one inclining him otherwise than he, if unassailed, would be disposed. When influences that are not causes are brought to bear on a man pressing him to choose otherwise than he would, modifying and sometimes reversing his original and characteristic preferences, this is properly regarded as a restriction of his liberty.

The process becomes clear upon a little consideration. The power of choice is obviously conditioned on cognition. There must be an idea of an action, and of its possible alternate. A judgment is rendered between these, and the choice accords with the weightier reason. Reasons are not causes. A man may be influenced in his choice by them without loss as to his personality, and indeed his every choice is subject to rational determination. The reasons for one alternative are more influential than those for the other, and he freely, of himself, chooses the former. It is not at all requisite that the prevailing reasons should be what might be called good reasons; they may be very bad, poor, trifling, or even absurd reasons; nevertheless they are the rational determinants with which the choice accords.

Now, a man may not effect, but he may affect another's choice by presenting such reasons as shall operate through

the desires to influence his course. This is done obviously by argument; also one obviously influences by persuasion the decisions and conduct of his fellows. Even greater in extent is the influence of instruction, as in the education of children. Indeed, in the whole process of education, we influence powerfully the general disposition, character, and course through life of other persons, thus putting permanent restraints upon their liberty. So also in social and political relations, and in religion, restraining influences, or interferences with liberty, are constantly exerted by the presentation of reasons.

Another way of embarrassing the will, and so checking liberty, is by reason of threatened harm, as seen particularly in the penalties of the law. The police, the court and the penitentiary offer a constant reason for conformity to law. The footpad, who presents the alternative of your money or your life, thereby proposes a reason usually sufficient to determine in favor of yielding the purse. A plea of duress is allowed by the courts in discharge of engagement, or in mitigation of penalty. Any menace inspiring apprehension interferes with liberty, changing the preferable direction of action, or diminishing its range, without bringing to naught the possible alternative. The weightiest examples of such interference are to be found in political oppression, in religious persecution, and still more generally in war.

§ 14. An important distinction now to be made is between those interferences, both external and internal, that are warranted and those that are unwarranted.

The state warrants its officers in the arrest and imprisonment, and even in the execution of offenders against its laws. It warrants the seizure of goods to satisfy judgments, the confiscation of private property for public weal, the levying of taxes for its own support, the conscription of citizens for

military service, the bondage of a class as serfs or slaves. Also by stringent enactments it regulates industry in production and trade, restricts marriage and divorce, inheritance and bequest, and provides compulsory education. These and many other restraints on the original liberties of its subjects it imposes, and enforces, if need be, with a strong arm. Aside from those enjoined by the state, there are many formal restraints in the common intercourse of men which are warranted by social relations. To these may be added restraints within the family circle, especially those arising from the exercise of parental authority.

The foregoing restrictions of liberty are unavoidable. One may approve of and willingly comply with them, but his consent is not asked; he can neither refuse to accept them, nor escape by renouncing them. But there are also many avoidable restraints that exist by consent, as in contracts, promises, marriage, and membership in clubs, societies, institutions and churches, whose requisitions are warranted by being legitimate and voluntarily conceded.

Very grave questions arise, and will be subsequently considered, respecting the ground of the warrant or right to bind. It is sufficient here to observe that the occasion and extent of warranted interference is determined by the relative rights of the parties. Granting the warrant in the various cases cited, it is evident that they represent a large and distinct class of restrictions in the range of personal liberty.

It seems, then, that every man is surrounded by legitimate checks on action, having warrant in the rights of others to whom he is personally related. He cannot transgress a certain circumscribed bound without infringing on their privileges, and he is debarred from doing so, as far as practicable, by their conflicting wills. Thus by the rights of others everyone's rights are limited. But within the limits thus set,

any willful restraint upon one's liberty of action, either external or internal, being *ex vi termini* unwarranted, is a violation of his ultimate constitutional right to a free use of his powers in the gratification of his normal desires. On this class of interferences we proceed to bestow special consideration.

CHAPTER III

TRESPASS

§ 15. Having considered certain conditions and limitations of rights, we are now prepared to examine more particularly the basis and origin of the notion, together with certain other conditions, correlates and implications that mark the limits of interference in liberty.

The notion of a right, being pure and simple, is incapable of logical definition. Like all other pure notions it is immediately discerned upon an empirical occasion. The occasion for this intuition is the experience of a personal relation. It is a matter of common observation that we all stand in various and dissimilar relations to other sentient beings, as of man to man in reciprocal parity, of parent to child, of benefactor to beneficiary, of ruler to subject, and many others. Now, so soon as a human mind apprehends a relation between two persons, whether the observer be one of the parties or not, upon that occasion it immediately discerns the concomitant existence of mutual rights. Their special character and extent is not immediately discerned, but only that they exist.

The character and extent of the rights discerned are determined by the kind and intimacy of the relation between the parties. Whenever we undertake to pass moral judgment on any action, we examine and reflect upon the relation sustained by the persons concerned, and make this the basis of the judgment, approving or disapproving, mildly or strongly, as the case may be. We judge that a benefactor has a right to the gratitude of his rightful beneficiary; that

a subject has a right to the forbearance of his rightful ruler, who, in violating that right, becomes a tyrant. Thus rights vary with relations. Those of parent in child are different from those of child in parent; those of benefactor in recipient, from those of recipient in benefactor; and both differ from those lying in elder and younger brothers, and in master and servant. But in all such relations, however they may otherwise differ from each other, we see the existence of mutual rights, whose character and extent are determinable only by, and ascertainable only from, the nature of the relation. It is therefore held as an ethical principle that rights are conditioned on personal relations, discerned in personal relations, and determined by personal relations.

In attempting to unfold the ethical theory grounded on personal relations, we shall confine our attention primarily and for the most part to the simple and indifferent relation of man to man, in entire equipoise and reciprocity.

§ **16.** A slight attention to the notion of a right discovers that it is conditioned on a social relation. A solitary man, one absolved from all fellowship, however entire his liberty, however abundant the means of gratifying many desires, has not, strictly speaking, any rights. Now a right, since it exists only by virtue of a personal relation, near or remote, implies a liability of conflict between wills; at the least, the conceivable possibility of an interference in one's liberty by some other person. For example, a right to go involves the notion of possibly being hindered or opposed, not by the physical difficulties of the way, but by the counteracting will of some other person, which coming into play, the right to go is orally claimed, and perhaps violently exercised. Any right whatever that any man or people or nation may have, is held in view of a conceivable hindrance or obstruction on the part of others.

Let it be next observed that not every interference in one's liberty is an interference in his right. Warranted interference does not violate any right, but only unwarranted interference. The notion of a right implies that any intelligent interference with its free exercise is unwarranted, which interference is a wrong. Now a right and a wrong are logical antithetical correlatives. The notion of the one necessarily carries with it the notion of the other, like as the notions of straight and bent, of order and disorder. A wrong, however, is conditioned on a right; that is, a right must be in order that a wrong may be. Whenever, then, a person knowingly and willingly interferes in my right, checking or preventing or making vain my effort to realize it, thereby restraining the free course of my powers in seeking to gratify my normal desires, he does me a wrong. Thus a wrong is a violation of a right, and it again appears that a right can exist only in view of its conceivable violation, a possible wrong.

§ 17. The principle that every man has a right to the free use of his powers in gratifying his normal desires, may be stated thus: Every man has a right to the free use of his powers *in so far as he does not interfere in the rights of any other;* that is, does not violate the right of another, or does no one a wrong. We have just seen that the right of either party exists only in view of its conceivable violation by the other. The modified expression of the principle brings out the point that rights in different parties limit each other; or that each of two parties has a sphere of rights which touches but does not intersect the sphere of the other.

The necessary and universal limitation expressed in the foregoing modified statement of the principle, is merely a partial explication of what is implied in the qualifying term normal occurring in the prior statement. Normal desires are

those that strictly conform to the natural and original constitution of man, harmonize with his other powers, and accord with his relations to his fellows and to his general environment. Those are abnormal which have not this congruity. Normal desires, as acquisitiveness, are limited to such gratification as may be attained without interference in the rights of others. Abnormal desires, as covetousness, impel to action in disregard of the rights of others. It appears, then, that the latter statement of the moral principle modifies the former, not in content, but in expanded expression only.

§ 18. In the further treatment of this matter it will be convenient to use the word trespass, with some latitude of meaning, yet quite definitely. A wrong is any violation of a right; so is a trespass. The terms have identical extension, indeed are strictly synonymous. We have found that liberty is necessary to the exercise and realization of a right, and that a violation of a right is an interference in liberty. Also we have found that a warranted interference in liberty is not a violation of any right, not a wrong, not a trespass. It remains, then, that *a trespass is an unwarranted interference in liberty.*

In legal definition a trespass is an unlawful act committed with force and violence, *vi et armis*, on the person, property, or relative rights of another. This narrow, technical statement is intended to designate those forms of trespass which are forbidden by civil law, and have a remedy or a penalty therein provided. But in common, free and correct usage the term includes many forms of offense of which civil law takes no cognizance, indeed any and every act that injures or annoys another, that violates any rule of rectitude or bond of obligation, and we here adopt this comprehensive meaning.

Our wide definition gives occasion for another verbal

variation in the statement of the moral principle, thus: A man has a right to the free use of his powers, *provided he commit no trespass.* On further examination we shall find that this provision sets very narrow bounds to rightful liberty; indeed that there is no rightful liberty that does not conform to the limits and consist with the bonds of morality.

§ 19. The limit which moral principle puts to the gratification of desire, that it must not involve a trespass on the right of any one else, gives rise to many and grave practical difficulties. The line between me and my neighbor which neither should overstep, is often invisible and intangible. To settle it requires, in a numberless variety of cases, very thoughtful and careful consideration in which a respect for personal right must dominate the greed of personal interest. In the intricate, pressing, and ever-changing relations of men in society, it is almost impossible to guard and keep intact one's own rights, and to avoid a transgression of the bounds set by the rights of others. Contentions inevitably abound. Thence arise vast and costly systems of judicature among all civilized peoples, systems that become more and more intricate as civilization progresses, involving numerous courts of authoritative decision, whose business is little else than to mark the bounds of rights, and to enforce the law of trespass in its infinitely varied applications.

The practical difficulties attending questions that concern trespass on rights, may be lessened, especially as to our private conduct, by clearing the conception in certain respects. To this end the following observations will be helpful.

Conflicting claims are seen on every hand, but rights never conflict. They touch each other, but never overlap. They limit by excluding each other, and indeed have no other limitation. The same right cannot pertain to different persons; and different rights, however similar, are always

consistent. Wherever there is contention, there is trespass; somebody is doing a wrong; somebody is interfering in the rightful liberty of some one else. Even rights that are shared, and so-called common rights, do not and cannot conflict, but are entirely consistent in their exercise. Everybody has a right to drive on a public road, but not so as to interfere in the like liberty of any other.

Original rights are inalienable in the sense that one cannot be unwillingly deprived of them, except by the extinction of the objects in which the rights inhere, thus rendering their exercise impossible, which is extreme trespass, as in murder, arson, and the like. One may be dispossessed of property, and otherwise violently limited in liberty, but the right remains whole, complete, intact so long as its object continues to exist. Derived rights or such as have been conferred by parental, civil, or other authority, may in many cases be withdrawn by resumption of the grant, by confiscation, or by exercise of eminent domain.

Rights in general may be alienated by the possessor himself transferring or forfeiting them. Property rights may be transferred by exchange, gift or bequest. Property may be alienated also by misdemeanor, the court imposing fines. Liberty of person may be forfeited by crime and the criminal imprisoned, or all liberty with life extinguished on the gallows. Being warranted, therein is no trespass.

§ 20. For more specific illustrations of rights in their subjection to trespass, we shall now briefly consider the ground of property and its patent liability to trespass. Property rights are found, in the last analysis, to consist in the original right of every man to the free exercise of his powers in the gratification of his normal desires. An infringement on them is an interference in this liberty, and so is a trespass.

Much the larger part of any man's activity consists in

appropriating, transforming, and using external objects. Natural objects, as land, fruits, ores, to which no one has an earlier claim, are withdrawn from the disposal of every other person, simply by the taking possession of them. For this act of taking possession, inasmuch as it does not involve a trespass on any one, is an original right, looking toward the gratification of normal desires. Things thus become private property, and any hindrance on the part of others to the taking possession is a trespass. Moreover, the proprietor must be left at liberty to transform his property, by his labor and skill, as he wills; the products arising therefrom being likewise his own, to be used freely in further production, or otherwise consumed. We shall find hereafter that all property is held in trust, to be used usuriously and consumed profitably, else the owner himself becomes a trespasser.

Many perplexing questions arise in the adjudication of property. It may be that an original appropriation is excessive, more than a fair share, and so a trespass beyond bound, but this is very difficult to determine. Moreover, it constantly happens that there are long pauses in the useful activity of the proprietor of certain material, because of the greater or less complexity of his plans, or from lack of continuous energy; still it is evident that during such indefinite pause, his right of property must be respected, and the material thus reserved be left unmolested for his future use. But if, within a time sufficiently great for the ordering of all circumstances, he give no sign of making that use, the right of property lapses; though it is needful that the invalidity of the claim be determined and decreed under special legal enactment. Finally, it is evident that, while possession is proof presumptive of ownership, material may pass from the possession of the rightful owner without loss or surrender of the ownership; and therefore, while the presumptive right of the possessor is to be recognized, it should be superseded by ownership established in action of trover.

§ 21. Setting aside felonies or high crimes, such as murder which utterly destroys all rights and liberty, and robbery which lessens the means of their exercise, the most familiar form of trespass is that kind of injury which is done to a man's land or house by intruding into it against his will. It is an old legal maxim that every man's house is his castle, and he is entitled to treat as an enemy any one who attempts to enter it without his consent. As to land, the owner is not bound to fence it, and whether inclosed or not, a neighbor is not at liberty to enter on it himself, or to permit his cattle so to do. For in all such cases the liberty of the owner in the use of his house or field is at least liable to infringement, is jeoparded, which is trespass.

It is perhaps not quite so clear that vice is trespass, yet sufficiently clear. Gambling is a transfer of property determined by an event whose occurrence is believed by all parties to the transfer to be due to chance. Therein is a misuse of means, a transfer, without equivalent, of property held in trust for beneficial ends. This alone makes gambling or betting wrong, even in its lightest forms, when there is no unfairness and when the stake is small. Any disregard of the claim of others on a productive use of one's means, restricts their privileges, and thus is a trespass. Intemperance, the excessive indulgence of an appetite or of any desire, is an abuse, a weakening, a degradation of powers, to whose fully efficient service others have a rightful claim, and hence it is an overstepping the bounds of liberty, a transgression, an infringement on the privilege of other persons, a trespass. The vice of lying, the hearer having a right to the truth, is clearly, even when no further injury appears, a checking or perverting of the hearer's privilege. Slander is of like character, doubling the trespass in the injury to both hearer and subject, and in its grosser forms is a misdemeanor, liable to legal action for damages. Much more might be said on the

ethics of vice, but it is sufficient here to point out that it is essentially trespass.

A great many actions of trifling consequence, and hence usually overlooked, have nevertheless essentially the nature of trespass. They differ from crime and vice in degree rather than in kind, all having the specific mark of unwarranted interference in liberty. When I have a right to go first, and another, who knows or might know this, steps in before me, my right is violated. Even if the attempt is thwarted by my stepping more quickly, still the integrity of my right, the entirety of my liberty, has suffered. One who walks through my garden without leave, or enters my door unbidden, violates my right to be private. One who, without warrant of good reason, intrudes on my conversation with some one else, or interrupts my words to himself, breaks in upon my right of free speech. When we occupy the time or attention of another otherwise than he would, as by sending a letter or making a visit, we apologize by stating reasons that occasion and warrant the call. Any intrusion or intermeddling with what does not concern one, is a trespass. When I am in haste, and some one needlessly detains me, it is a trespass. Pressing the unwilling for a loan or donation, or for an endorsement of any sort, is an embarrassment, a trespass. Thus in the passing relations of men there are a multitude of ways in which one may hinder the preferred action of another, or turn its direction, thereby, lightly perhaps, yet essentially, committing a trespass. The conventional unwritten laws of mutual courtesy in social intercourse are regulative of private conduct and protective of private personal rights from personal trespass. Politeness is morality in trifles.

§ 22. The foregoing mention of slander suggests a class of offenses touching personal dignity that calls for special consideration. An impolite act or word to a person worthy of

respect is a wrong, inasmuch as it unwarrantably interferes in his liberty. In order that one may use his powers freely a certain equanimity is necessary, a mental equilibrium. This is disturbed by even a slight affront, and he is embarrassed, his liberty of action is checked. Every upright man cherishes a certain measure of self-respect, and claims a corresponding degree of respect from his fellows, a respect proportionate to his estimate of his own dignity or moral worth. These constitute his personal honor. It is very precious and very sensitive, for no one can fulfill high aims in life unless he preserve a calm equipoise of his faculties, and the observant deference of his associates.

If an affront be grave, such as giving the lie or other verbal insult, or striking a blow even without physical harm, it overthrows for an indefinite time the serene composure, if not the entire self-command, requisite to the unbiased exercise of one's faculties. Such indignity is intolerable. No doubt the resentment which arises instinctively often becomes excessive, putting into violent commotion the whole being, turning it completely away from preferred conduct, and inducing extreme acts, even such as involve the sacrifice of one's life. And indeed in many cases death is better than dishonor; for while death is the loss of all rights, dishonor may fix fetters and settle a slavery that is worse than all loss.

As a man himself defends his life, so he would himself defend his honor, his most precious possession, essential to a free life. The anger or resentment that naturally follows indignation is instinctive impulse to self-defense. It is normal, and therefore rightful in rational furtherance. Too much cannot be said in favor of the sacred right and obligation to defend one's rights, and especially one's personal honor. With the savage this passes over into malice and revenge, a trespass retaliated by a trespass. But two wrongs do not make right; this does not restore the prior state.

Among civilized peoples the savagery lingers, particularly in the restricted form of dueling, for men are rarely willing to submit a question touching personal honor to a civil court or to a court of honor. One's honor is a thing too sacred to be weighed in the scales, there is no possible counterpoise. It is to be personally defended, and in opinions which have prevailed, personally avenged. But higher moral culture brings its subject to see that he is limited to defense, and to that mode of defense which will best prevent the trespass, or its repetition, or its imitation. Other remedy is rarely possible. It is hard to be angry, and sin not, yet such is the moral ideal.

§ 23. The various kinds of offense to which we have referred are mostly modes of direct trespass, wherein an immediate action unwarrantably checks liberty. Let it be now observed and hereafter kept in mind that trespass is very often indirect, by mediate action or by inaction. Indirect trespass by inaction calls for special remark and emphasis, since the term is commonly used only in the positive sense of direct action.

Neglecting to pay a money debt when due is clearly an unwarranted interference in the liberty of the creditor; for he might use the money to gratify a normal desire, but is restrained and more or less embarrassed by the non-payment.

In general, any withholding, unless by free consent, of what it is one's right to possess is plainly akin to theft, and as truly a trespass. A promise of every rightful kind is to be kept, because it may have become a factor with the promisee in ordering his life, and he may be embarrassed by the disappointment of his confidence. A breach of promise doing serious injury is a recognized form of trespass, actionable at law. Lack of gratitude to a benefactor, omitting a meed of praise, failing to show the worthy such outward

marks of respect as are conventional, neglecting to pay or to acknowledge any polite attention, these and the like are embarrassing, and hence modes of trespassing. If I am using my right of way, it is all one whether somebody else steps in the way, or does not step out. In either case he is equally in my way. The act committed in the one case and omitted in the other, is in each a trespass, a restraint of my liberty, and hence the cases are morally identical.

The notion widely prevails that an indirect trespass, especially one omitting to fulfill an obligation, is less offensive than a direct trespass committing a deed violative of an obligation. This is a popular error. In either case, if intentional, there is a complete breach of obligation, a wrong, a trespass. Forgetfulness is more likely to have occurred in the former than in the latter case, but forgetfulness, though it may palliate, does not wholly excuse an offense. If the degree of offense be measured by the gravity of its consequences, even this will not favor a fault; for it is evident that very often a neglect of obligation may be as serious as any direct violation. A sentinel who fails to give alarm and thus to prevent surprise, is responsible for the disastrous consequences, and is condemned to capital punishment. A moral distinction between actions omitted and those committed is superficial and unessential.

Sin is transgression of the law of God, disobedience to the divine command. We shall hereafter show that any trespass of man on man is trespass on God, violating his will, thwarting his purposes, checking the free course of his designs. There is also indirect trespass on him in neglecting his personal dues, and direct trespass in counteracting his ways. All disaccord with him, whether by action or by inaction, whether by sin of commission or by sin of omission, is an unwarranted interference in the divine furtherance of the world. Thus it comes to light that all trespass is sin, and all sin is trespass.

CHAPTER IV

THE LAW

§ 24. Let intellective attention be again fixed on the primary notion of a right. Pure reason immediately discerns that a violation of a right, knowingly and willingly committed, is a breach of normal order, a violation of law. Also it discerns that this law, being violable, is not, like natural law, the designation of a constant order of facts that have no alternates; but the designation of an order of facts that ought to be constant, an order which, though violable, should be inviolate and universal.

Moreover, pure reason discerns the very important and special characteristic of this law, that it is obligatory on the potential transgressor. It is addressed to his will, laying upon it a binding obligation, obliging him to conform his actions to its behests. Accordingly it is recognized as an imperative, a command, an order enjoining order on those capable of disorder.

The order herein designated and demanded is a constantly observant respect for the rights of others, forbidding any unwarranted interference in liberty, forbidding trespass. Its formula is: *Thou shalt not trespass.* This widely yet definitely interpreted is the completely comprehensive Moral Law, binding all imperfect persons without exception, and at all times, in all places, under all circumstances. Thus it is both catholic and strictly universal.

The moral law is independent of experience, except that experience must furnish the occasion for its discernment by pure intellect. It is not deduced from some higher law;

there is none higher. It does not logically follow from the principle of liberty to gratify desire, but implies or is implied in that principle, and a mere unfolding of the essential content of either is all that is requisite for a clear apprehension of its truth. Indeed the principle and the law are but varied forms of essentially the same necessary truth. As a principle, it is an immediate intuition of pure intellect, having the light of truth in itself. As a law, its universally binding authority lies in its intuitively imperative truth.

§ 25. The intuitive cognition of this fundamental, catholic, and universal law, is the sole function of the pure practical reason or conscience. Conscience is pure reason discerning moral law. This faculty has the moral law for its exclusive object, and its exercise is the primary, original, antecedent condition of any moral activity whatever, without which liberty has no moral restraint, and volition no moral character.

In thus identifying conscience with the pure practical reason, we give to the term a clear and sharp definition, fitting it for scientific use by distinguishing it from those other faculties which, subordinately and occasionally, are concerned with moral matter, and whose exercise on such matter is quite commonly and confusedly spoken of as the exercise of conscience. Except the pure practical reason, there is no original, distinct, special moral faculty in the human mind.

Let it be remarked that conscience, as herein defined, cannot err. The criterion of a pure intuition is its necessity and universality. Conscience in its intuitive discernment discovers what is necessarily and universally true, and this discernment, being intuitive, is infallible. It is not, however, itself a complete guide of conduct. It must be supplemented by the logical function of intelligence, by thought, deducing minor rules or the moral quality of particular actions. Thought may err, is peculiarly liable to error. Herein is

the explanation of the great diversity of moral judgments among men. The data of pure reason are the same in all human minds; but the judgments formed in the application of these data often greatly differ, because of illogical thinking. The liability to error is greatly increased by a common acceptance of traditional moral standards, expressed in ready-made rules, which, if not themselves erroneous, are often imperfectly comprehended and applied to cases beyond their scope. Thus certain individuals, or large classes of men, or nations, are said to have high or low standards of morality according to the degree of approach and logical conformity of these standards to the intuition of pure reason.

The moral intuition, like all others, may be cleared by discriminating attention to its occasions, abstracting from the empirical elements, and fixing upon the pure; and further, by distinguishing those abstract notions with which it is liable to be confused, as, for example, utility. In this manner only is conscience capable of improvement, of education. The accuracy and acumen of the logical faculty, by which the moral quality of an action is inferred, may be greatly improved by intelligent exercise, and thus furnish means for the refinement of moral character. The moral sentiments may be intensified and the moral impulse strengthened by indulgent activity, and the will may become more and more submissive to its law by habitual observance. Conscience, in its loose general meaning, has these several sources of culture; but in the narrow scientific sense here adopted, it is capable only of clearance.

§ 26. Turning from the faculty by which the law is cognized to the law itself, we observe that this imperative truth is categorical.

There are two classes of hypothetical imperatives, each implying the practical necessity of a means to an end. The

condition in the first of these classes is problematical, being, though constant, not universal, but merely possible. Examples are found in the technical rules of art. If one would build a house, he must gather materials, employ skilled labor, etc. The condition in the second class is assertorial, being actual, constant and universal. Examples are found in the dictates of prudence. If one would be healthy, he must be temperate. More generally: If one would be happy, he must, etc. These rules and dictates command conditionally. There is no necessity that any one should observe them, except in case of his willing the antecedent, which, however, in the second class, every one actually does.

But the moral law is a categorical imperative, commanding unconditionally. It is simply, Thou shalt, or Thou shalt not. There is no hypothetical antecedent expressive of a definite end to be attained. Moreover, its behest is in disregard of any special consequences, except in so far as these may enlighten the obligation. Tradition and custom may likewise illustrate its application, but they neither add to nor take from its authoritative *hoc age*. Its authority is in its irrefragable and universal truth, and its truth is in the essential and ultimate nature of the facts. It demands an unconditional and immediate obedience as a moral necessity, always and everywhere, amid any and every combination of circumstances; a blind obedience, if in the dark; an intelligent obedience, if there be light; but always an uncompromising, unswerving obedience.

§ 27. The law is sovereign, subjecting all personal powers. Each faculty operates according to its own constitutional function, but it is not competent for its own guidance. All others are dependent on intelligence as a guide, and for the full and correct performance of this specific guiding function, intelligence is dependent on conscience discerning the law of

conduct. All human activities, whether they issue in external expression or not, are thus subjected ultimately to the moral law.

It is the peculiar, the exclusive function of the will to control all other powers, to bring them into normal and harmonious exercise. The sovereign law is therefore addressed to the will, the executive. It commands choice to conform to its behest. It demands the regulation of all inner activity, and thus the regulation of all outward action. It is the essential informing element in all mandates and minor rules of conduct; the hypothetical imperatives, described above as logically coördinate, being ethically subordinate, subject to its regulation. Even conscience itself is subject to its authority; the law, dimly seen, demanding the voluntary attention requisite to its being clearly seen in the fullness of its meaning, lest it be ignorantly violated.

This claim of supremacy, demanding the unconditional subjection of the entire will, is more or less clearly recognized by every one. I see that it is law for me; I cannot ignore or reject its claim. Yet a will often disregards or rebels against this authority; and only when completely submissive and perfectly accordant can a will be pronounced morally good. For "nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification except a good will."

§ 28. It has already been indicated that rights are grounded on personal relations, and that a discernment of the existence of rights takes place on an empirical occasion, on an observation of such relation in actual life, whether the observer be a party or not. Now it is evident that personal relations are strictly objective, and rights objectively determined; hence it follows that the moral law, being essentially implied in really existent rights, is objective in origin and character.

It is true that human rights are more remotely grounded in human nature, and men are spoken of as doing by nature the things of the law, as being a law unto themselves, as having the law written in their hearts. But this does not make the law in any measure or sense subjective. For man has a fixed, native constitution of both body and mind; he cannot make one hair of his head white or black, nor can he add to or take from his natural faculties, one of which is conscience, the eye reading the law written for him in his heart. This constitution, being independent of his subjective states, is as truly objective as is the solar system, and it is this objective constitution, acting in conformity with the existing constitution of nature at large, that is determinative of rights, of obligation, of the law.

Thus the moral law is, as to its origin, objective in the constituent order of the world. It does not originate within me, but beyond me. It is not given by me, but to me. It comes to me from without; it is adventitious. The law of causation, every event is caused, and the law of conduct, thou shalt not trespass, though the one be indicative, the other imperative, the one inviolable, the other violable, are alike in this, that each is independent of the mind apprehending it. Conscience is not autonomous, nor is the will. The law, objectively determined, is read by conscience, interpreted by the judicial faculty, and executed, under the moral impulse, by the will.

The objective character of the moral law is indicated by its independence of circumstances and its disregard of consequences. Yet still more clearly is this character evidenced in its sameness for all classes and conditions of men. Were its character subjective, or were it liable to any subjective modification, there might be as many variations of the law as there are minds of men. But, being one and the same for all individual minds, evidently it is not enacted by them, but

enacted for them. Also, since it is not at all affected by what one may think about it, every sane man being accused or excused by his fellowmen in disregard of his peculiar notions, it is clear that a law thus common and unalterable by any subjective treatment has the essential character of an objective reality.

§ 29. The law, in the form we have given, is negative: Thou shalt not. In this form, taken strictly, it forbids a large class of actions without enjoining any. Unquestionably this is its primary and most palpable aspect comprehending our most obvious obligations, the one most clearly and fully recognized in actual life. As prohibitory, it strikes the most uncultured intellect, is patent to the grossest comprehension, and impresses itself on the humblest capacity, making its appearance in the very awakening of the moral consciousness. This strictly negative or prohibitory aspect of the law is therefore worthy of specific consideration in this place, reserving for subsequent examination its positive forms.

From the law in its prohibitory form many deductions can be made to secondary laws, having less yet very wide generality, and retaining the character of strict universality. For example: Trespass is forbidden; Murder is trespass; therefore Murder is forbidden. In this simple syllogism, the major premise is an indicative form of the law intuitively true; only the minor premise needs support, which the slightest reflection furnishes; for the right to continue in life is the highest of rights, it being the condition of all others, and to kill unwarrantably, which is murder, is the greatest possible trespass, since it extinguishes all liberty, all possible enjoyment of any right. Maiming is likewise trespass, for it diminishes one's liberty to realize his rights; and therefore it is forbidden. Cruelty is pain-giving trespass; a wrong, not simply because it gives pain, but because

it thereby unwarrantably interferes in liberty; it therefore is forbidden. Theft is trespass, a violation of the right of property preventing its free use; and therefore, Thou shalt not steal. These are very obvious yet typical cases.

The Decalogue, which the foregoing suggests, is usually spoken of as the moral law. It is eminently, but not ultimately. Its ten-fold statement lacks the unity requisite to a philosophic reduction. Yet it is easily seen that each of the ten laws is a simple deduction from the one ultimate law: Trespass not. This is the basis. Consequently they are throughout negative, simply prohibitory. Let us add the observations, that these prohibitions are, in general, progressive from higher to lower offenses, and that all are objective, forbidding outward acts, except the last which is subjective, entering the mind or soul, and forbidding unrighteous desires.

The Ten Words are inadequate. A man may keep them all from his youth up, and yet lack. They are directed solely against sins of commission. They prohibit certain prominent offenses, but posit no explicit obligation of benevolence, no duty of love to God or neighbor. They were addressed originally to a people rude, uncultured, whose moral character was very imperfectly developed by its Egyptian experiences. They were for the time as much as could be borne. Had the law in its fullness been at once revealed, it probably would not have been understood, much less appreciated, accepted and practiced. In general, the Old Testament morality is negative and prohibitory.

Civil law, under which phrase we include all laws recognized, enacted and enforced by an organized State, is originally negative in its forms. Even after being greatly expanded, it is still very largely negative in expression and prohibitory in character. Especially is this true of the criminal code, which consists of a series of prohibitions of certain

overt acts. As a science of human rights, civil law is occupied with classifying and defining the various rights of individuals, of corporations, and of communities in general. As an art of social regulation, it provides for the adjudication of particular cases, and the enforcement of judicial decrees. Throughout it is a system of enactments deduced from the universal and exhaustive law of trespass, which enactments are used as major premises in further deduction; the minor premises being the particular cases which the court is considering. Hence it is evident that, in essence, there are not many laws; there is only one law.

§ 30. The law in its primarily negative sense, forbidding certain actions and requiring none, tends to isolate men, to set them apart from each other, to sever their natural relations. It says: Let your neighbor be, do not interfere in his liberty, do not step in his way or on his ground, respect his rights. Accordingly, even among highly cultured people, there are many who, while rigidly conforming their lives to the prohibitions of the law, apparently have no wider conception of obligation, and know no difference between legality and morality. Indeed there are some who regard the laws of the State, with all their manifest imperfections and narrow inadequacy, as marking the bounds of obligation, and consider it right to claim or do whatever civil law does not forbid, all unforbidden actions being permissible and supererogatory.

A thorough analysis, however, of the conditions and implications of trespass, such as we shall subsequently undertake, discovers that the limitation to prohibition is inadmissible, that it is far from exhausting the moral principle, that there is a positive aspect of this formally negative imperative, that the injunction placed upon trespass by the universal moral law is both a prohibition and a requisition, forbidding to do

this but equally requiring to do that, and embracing all particular acts and general conduct. The morality of the New Testament advances to this higher positive plane. It does not abrogate the earlier form of the law, but arises from it, demands active benevolence, and so exhausts the obligation of man to man. The influence of this positive presentation of the law effectively counteracts the isolating tendency of the exclusively negative view, restores and strengthens the mutual relations of men, bringing them into fraternal fellowship, and uniting them by common and indissoluble bonds.

CHAPTER V

SANCTIONS

§ 31. The human will originates actions in the sense that it elects one rather than another possibility, and does that instead of this. It is therefore rightly regarded as the first cause in a series of events whose subsequent members are its effects or consequences. As this mastery of the will is itself subject to the moral law, the causes and effects in the series are qualified as moral causes and effects. But let it be observed that causation in the mental or spiritual sphere is still causation, and in that sphere moral causes determine their effects as rigidly as, in the physical sphere, physical causes determine their effects. Moreover, such is the reciprocal relation between the spiritual and material spheres that an activity in either may be the cause of an event in the other.

When a voluntary act takes place, I have determined it shall be this rather than some other. Until then the deed is merely potential, I am master, I have to do with it. When it becomes actual, then no longer have I to do with it, but it has to do with me. I cease to be the actor, and become an observer, perhaps a sufferer. What is done can never be undone. There may be counteraction, readjustment, restitution, compensation, but there is no restoration or erasure of the past. The act is unchangeable. It has passed from the domain of moral law and entered the realm of natural law, to become a first link in an irrefragable chain of causes and effects involving my welfare, perhaps completely and inextricably. Often a word unspoken is a sword sheathed at

my belt; spoken, it is a drawn sword in the hand of my enemy.

Experience in such matter brings reflection, and with it the wider observation and induction that conformity of volition to moral law is wholesome, non-conformity perilous, perhaps fatal. These good and evil effects constitute in general the sanctions of the moral law, they conserve its sanctity, ratifying and vindicating its authority, inducing obedience, that it may be unbroken, whole, holy, sacred in the eyes of its subjects.

§ 32. Mandatory law has necessarily penalty affixed. Indeed the notion of the one seems to imply the other as of its essence; for the voice of command without power enforcing it would be mere *brutum fulmen, vox et præterea nihil.* Accordingly, in considering the moral order of the world, the order that ought to be, we find that any deviation carries with it penalty, or rather penalties, as its natural and necessary consequence. Let us now examine first those that are wholly subjective.

Subordinate to reverence for the law revealed by conscience is the sentiment of approbation or of disapprobation, correlative to the moral judgment approving or disapproving. These innate sentiments bear powerfully upon conduct, and thus constitute sanctions. Indeed they are the original, constitutional, and primary sanctions of the law. In the pleasure or pain, by which they are strongly marked, we discover native, subjective reward and punishment.

The moral sentiments are so highly influential that their function is often exaggerated, and they are supposed to be sanctions in the sense of being a sure index and an authoritative exponent of the true moral character of an act or of general conduct. Many a man of high culture will assert his rectitude in a certain case because he experiences the pleasing

sentiment of self-approbation, saying: My conscience sanctions my course. It is therefore important to remark that one's feelings in view of his actions do not, even in the most remote way, furnish any proof of their true moral character. This would invert the psychological order that posits moral sentiment as dependent on moral judgment. In reality the feeling of approbation or disapprobation attends a false moral judgment as readily and fully as it does a true one, having no power to discern the difference. Hence these sentiments do not at all confirm the judgment; but, on the contrary, their own justification is wholly dependent on the validity of the antecedent judgment; and this depends ultimately on a clear discernment of the moral law by conscience. Accordingly we observe that even these sanctions, though original and innate, are liable, as are all other human sanctions, to distribute reward and punishment unduly, both in kind and degree.

In the class of subjective sanctions must be included the silent approval or censure of one's fellows. We are largely dependent for our free welfare on even the private opinions of each other. No man can reasonably be indifferent to the judgment that others form of his conduct, and to the moral sentiments with which it inspires them. Every right-minded man feels this keenly, whether the judgment be just or unjust. He is elated and encouraged by silent commendation; he is depressed and discouraged by condemnation. These also are potent sanctions ratifying the moral law, and upholding its authority.

§ 33. From the foregoing considerations it appears that the notion of violable law carries with it the notions of a gain of worth or dignity in its observance, and of a loss of worth or dignity in its violation; also that the one implies the notion of merit or desert, of reward due, the other of demerit,

of penalty due. Furthermore, an observation of meritorious conduct, especially if despite adverse temptation, excites an impulse to bestow reward; of culpable conduct, a disposition to inflict punishment. These natural impulses have, no doubt, an instinctive origin and play, and so far are constitutional; but they have also a distinctively rational exercise, and so far are susceptible of justification.

In view of one's own conduct, an approving judgment of merit excites the instinctive impulse to reward well-doing, realized perhaps in some special self-indulgence; whereas a judgment of demerit incites an instinctive anticipation of punishment, which sometimes is self-inflicted. Criminals not infrequently surrender themselves voluntarily to public justice, that they themselves may have the satisfaction of penance for their misdeeds. Suicide following remorse has perhaps often the character of self-inflicted punishment.

Recompense and retribution are reasonable. It is patent to common sense that the welfare of a community as a whole, and of its several members, is favored by the steady observance of the law which requires each to respect the rights of all others; and more especially is it evident that a wrong done, a trespass committed, is a breach of order affecting unfavorably, not merely the immediate sufferer, but mediately the welfare of all, even of those whose relation to him is remote. Therefore, when a breach is threatened, all agree that preventive restraints should be imposed; and when a breach is actually made, that the offender should be punished in such manner and measure as will deter him from repeating the offense, and deter all observers from like misdeed. If the community be one of which I am a member, I am disposed and indeed bound to take part directly or indirectly in inflicting the deterrent penalty. On the other hand, if some one, who, from moral weakness or from lack of moral culture, is specially liable to temptation, conform manfully in a cer-

tain action or in general conduct to the social order that ought to be, then there is a common judgment that he should be rewarded, and a prompting to bestow reward in such manner and measure as shall strengthen his good will, and induce observers in his class to practice like conduct. This seems to be a reasonable account and justification of the common disposition of men in their treatment of orderly and disorderly persons.

§ 34. The subjective sanctions in the minds of observers tend to become also objective in public opinion. The judgment and sentiment usually find expression in outspoken words of praise or blame, often in modes more forcible, as popular honors, or social ostracism.

Reprobation of a wrongdoer is, in general, directly proportioned to his intelligence and culture. For it is evident, from the admitted supremacy of the moral law, that a knowledge of one's obligations, implying the possibility of fulfilling them, diminishes in so far the ground of apologetic defense. Conversely, ignorance of facts and circumstances which go to determine the moral quality of conduct, is allowed to be a palliation of offense, followed by a mitigation of punishment; yet is not allowed as complete excuse, for no human mind can be absolutely blind to its obligations.

The sentiment and impulse prompting us to reward one who does well is, speaking generally, in inverse proportion to his intelligence and culture. A street gamin who finds and restores my lost purse should have some portion of its content bestowed on him, but I would not offer to reward a gentleman; should I commit the blunder, he would be justly indignant. We heartily approve the good deeds of cultured persons, but express rewards are rarely proposed to them. Academic honors are offered to youth as a stimulus before the fact, but in mature life honors are indefinite, spontaneous,

and come after the fact. Titles of nobility are usually granted as rewards only for some special and signal service. Neither these, nor honorable distinctions of any kind, nor any emoluments, are granted for mere conformity to law. In the civil code, while to each law is attached a penalty for its violation, to no law in any enlightened State is attached a reward for its observance.

This last observation gives occasion to remark that while, as already stated, penalty is a necessary sanction, essential in the very notion of violable law, reward is only a contingent sanction, it may or may not be applied, it is not essential. Moreover, in the progress of moral culture, not only does a promise of reward, but also the threat of punishment, gradually lose its influence. Many a man reaches the stage where these are, for himself, lost to view, and he fulfills his obligations without regard to either. This is a high, yet not the highest, degree of culture.

§ 35. Another class of sanctions, originating in the foregoing, may be discriminated as distinctly objective, being embodied in formal ordinance, and having reference to overt misdeeds. They are the enactments of an organized State. No longer recognized as individual judgments, they supersede the private opinion of the offender, the court and the executive, they have passed beyond the more or less sympathetic opinion of the public, and are objectified in a binding penal code.

Such, in general, is the character of all civil law. It cannot be too strongly or repeatedly emphasized that the whole science and practice of jurisprudence, in all its various branches, together with the vast and complex system of courts of judicature, having a prescribed and established form, manner and order for conducting suits and prosecutions, and having executive powers, has its ultimate basis

and justification in the ethical principle of a personal right, and is merely an authoritative explication and application of the one moral law: Thou shalt not trespass.

Very many kinds of enacted sanctions of law have been devised. There can be no doubt that in the early stages of organized society, the spirit of personal vengeance dominating, the intent and form of legal punishment was largely retaliatory, a paying back blow for blow. This barbarous, strict *lex talionis* is no longer in vogue. It has been expunged from the penal code of civilized States, excepting in case of life for life, which is justified on grounds other than vengeance. For it is evident that, if requital in kind, to satisfy the thirst for revenge, be the object of punitive measures, then it is the purpose of the State, as far as it can reach, to double the suffering of its members; which is absurd. Whatever of vengeance is compatible with legal punishment, is reserved expressly for a tribunal higher than the State.

Under a prior topic it was stated that rights may be reduced to three, a right to life, a right to liberty, and a right to property. In refined codes the penalties correspond, consisting exclusively in deprivation of life, or of liberty by imprisonment, or of property by fines, damages or confiscation. Flogging has been generally abolished. Restitution, or else compensation, is enforced when practicable, but is not punishment; hence damages are added. Punishment, then, is practically the taking away of that the right to which has been forfeited by trespass, by a transgression of the bounds set by personal relations to personal liberty. Moreover it was pointed out that the three kinds of rights may be reduced to one, the right to liberty in the gratification of normal desires. Hence it appears that as all offenses are unwarranted interferences in liberty, so all legitimate penalties are warranted interferences in liberty.

§ 36. Pain is the correlate of restrained or constrained energy. Each of our powers tends spontaneously, that is, of its own proper nature, without strain, to put forth a definite quantity of free activity. If this amount be realized, there is pleasure; if less, the energy being repressed, or if more, the energy being overwrought, there is pain. Thus all pleasure arises from the free natural play of our faculties; all pain, from their restraint or constraint. The normal is pleasurable, the abnormal painful.

Naturally we have an inclination to pleasure, and an aversion to pain. A desire for pain, simply for its own sake, is a psychological impossibility. This constitutional aversion to pain impells one constantly away from abnormal extremes toward an intermediate normal condition, while the co-operating constitutional inclination to pleasure constantly draws one, like a pendulum, toward the same golden mean of moderation and harmonious order.

All trespass, being an interference in natural spontaneous liberty of action, gives pain. All legal penalty, for the same reason, is the infliction of pain; rarely in like manner, but always, if adequate, graduated to correspond in measure with the degree of trespass, and limited to the pain of repression. More widely, all sanctions of the moral law, innate or enacted, natural or artificial, are essentially the same, depending for their efficacy on the same element; all rewards are pleasures, all punishments pains. These are the natural attraction and repulsion in the spiritual sphere, tending to maintain a universal equilibrium, and to restore it when disturbed.

It was a mooted question among the ancients whether pain is an evil, and to-day it is still a question. When we consider its influence in the preservation of our powers of body and mind, averting the ruinous effects of excess on the one hand, and of inaction on the other; when we observe the working of the whip of pain in the world of sentient beings,

tending constantly to harmonize their mutual interests, and adjust their actual relations to the moral order of the universe in "a stream of tendency that makes for righteousness;" it seems not merely unreasonable to account pain an evil, but that it should be reckoned essential to welfare, reckoned, along with the highest good, essential in the well ordering of a world of free activity.

This is the sanction by which the Divine Ruler of the Universe upholds his government against trespass. We instinctively revolt at the thought that the Deity is the author of sin, the source and sum of evil. But that he is the author of pain cannot be doubted, and is entirely accordant with the infinite benevolence that proposes and actively seeks to accomplish the highest welfare of humanity.

CHAPTER VI

RIGHT AND WRONG

§ 37. The substantive notions of a right and a wrong, used hitherto, need now to be supplemented by the corresponding qualifying notions of right and wrong.

A right is accorded in law; right is according to law. Right lines are straight lines; we draw them by means of a rule or ruler. So in the ethical sense, right actions are such as conform to rules of conduct, implying a ruler. More generally, they are those conforming to the moral law, any deviation from strict rectitude being wrong.

The terms a right and right are, in last analysis, coextensive. Whatever one has a right to do is right for him to do. This seems obvious. Yet it is commonly supposed that exceptions often occur, and even moralists have taught that a man may have a right to do what is not right. A planter, it is said, has a right to destroy his crop, but it would not be right. This paradox cannot be allowed. It arises perhaps from the false notion that one has a moral right to do whatever is not forbidden by civil law, which is mere legality, not morality. The true limitations of rights are not found in civil law, nor in enactments of any sort, but in the nature and relations of men, which the most elaborate enactments fall far short of defining completely. A producer destroying a product of any value, an heir wasting his inheritance, an idler not exercising his ability, is wronging or trespassing on rights of others naturally vested in these things. In the proper ethical sense a right to do a wrong, or to do wrong, is absurd.

Conversely, whatever is right for one to do he has a right to do; any interference by any other is a trespass. For, if it be not right, it is wrong, these being contradictories; and in doing wrong one always inflicts a wrong, greater or less, near or remote, on some one affected by his act which, if not punishable, is at least censurable. Hence the terms are co-extensive.

A moral right, or simply a right should be distinguished from a legal or jural right. The one is generic, the other specific. The one is accorded in universal moral law, the other is accorded in imperfect and exceptional civil law. A right properly implies both exemption from legitimate interference in its exercise and an obligation to exercise it; whereas a jural right implies immunity merely, not obligation. Hence the unqualified term leads to confusion. Sometimes indeed there is formal opposition between moral and legal rights, for occasionally unrighteous laws are enacted, technically conferring rights that are immoral, authorizing wrongs. A moral right to act is an obligation to act, which is synonymous with right action.

§ 38. Right or wrong is the moral quality of a voluntary personal action. As propositions are always either true or false, so actions are always either right or wrong. A true proposition accords with axiomatic logical principle, and a right action accords with axiomatic moral principle. As one of two contradictory propositions must be false or logically absurd, so one of two incompatible actions must be wrong or morally absurd. An action that is wrong is a moral self-contradiction, inconsistent with what may be known to be right or in accord with axiomatic law, and thus is a self-condemned absurdity.

It has already been stated that on the empirical occasion of a voluntary personal action, we have an intuitive discern-

ment by conscience of the existence in it of moral quality, we discern that it is either right or wrong. But whether the observed action, as striking a blow, be right or be wrong, is not at all intuitive, not at all discerned immediately by the pure practical reason or conscience. Which one of these two contrary qualities it has, conscience does not know; it knows only that it must have one or the other.

For evidently the notions of right and wrong imply accord and discord with some general principle requiring all voluntary activity or personal conduct to conform uniformly to its indications. Hence every case must be subsumed under that principle in order to ascertain which one of the two qualities is predicable of it. This is a logical process. It is not a discernment of pure reason, but is a reasoning; not conscience, but inference.

The logical process concluding the moral quality in a given case, is very liable to error.[1] The specific action in which the moral quality inheres is, as we shall immediately show, subjective, internal in the agent. Now, when one judges his own act, though it is open to his direct observation by introspective self-examination, still, from a lack of clear discernment of the primary principle, or from a lack of logical skill in making the deduction, or from carelessness, he often errs. Much more is one liable to err when judging the act of another person. For the subjective movement of another is beyond one's observation, and can be known only by his confessions, his professions, or by his outward perceptible movements, these together with circumstances being signs from which the internal act is inferred. This additional inference greatly increases the uncertainty of the conclusion, and warns against hasty judgment.

§ 39. What is the specific action of which the moral quality is a property? In other words, what is the distinct and

informing fact wherein conscience discerns obligatory moral quality, and whereon we pass discriminating moral judgment?

It is to be premised that no fact of causation has moral quality. Whatever is caused is necessitated by its cause to be just what it is. There is no alternative. Moreover, by the axiom of uniformity, that like causes have like effects, there is no variation in effects, if there be none in their causes. This is the realm of necessity. It is opposed to the realm of freedom, wherein alone moral quality finds place; for freedom must be allowed as *conditio sine qua non* of moral action. Only beings having free will are morally responsible, and among these only such persons as are conscious of moral obligation.

Outward physical or muscular action, therefore, has in itself no moral quality, not even that outward action commonly called voluntary. For the movement of the muscles is due to physical causes originating in the brain, and this brain action causing muscular motion is itself caused by antecedent mental action. Hence only to mental action can moral quality be immediately attributed.

The exercise of conscience discerning moral quality, for like reason, has in itself no moral quality; it is neither right nor wrong. Knowledge of right and wrong, and of the distinction between them, arises on the presentation of a personal action, which empirical occasion is a condition precedent. Moreover, conscience can never have the quality imported into it; for its exercise is originally and essentially involuntary, the discernment intuitively necessary. The same is true of all pure intuitions.

All empirical intuitions, as the sense-perceptions, are likewise destitute in themselves of moral quality, since they are the involuntary products of our constitution in the presence of causative objects.

The exercise of the logical faculty, even in case of moral

judgment, has no moral quality in itself, for it is an effect of voluntary attention.

The like consideration sets aside, not only all presentations and the representations of thought, but also the representations of mediate perception, memory and imagination, together with the feelings and desires that attend them. All these are strictly effects, and therefore destitute in themselves of moral quality.

§ 40. Consequently, in our search for the activity which has moral quality in itself, we are shut up to the volitions. Volition has three constitutive elements, choice, intention, effort.

This last, the effort, which is voluntary attention, is caused by the motive, the desire that prevails, without alternative. Hence the effort is a necessitated act, and so without moral quality, in itself neither right nor wrong.

The first element, the choice, viewed simply as an act apart from its specific character, is also causally necessitated to take place or occur by the mere presentation of possible alternatives; I must choose between them. Hence the simple act of choosing is in itself destitute of moral quality.

But the choice of one alternative rather than the other, the taking this rather than that, is a fact uncaused, not necessitated, free; for herein is the specific characteristic and the very essence of choice. In its resolution choice becomes intention, the intention to do or forbear a certain action. This central fact, the only fact in human nature or in nature at large that is not caused to be what it is, this resolution, this intention, purpose, design, this alone is capable of inherent moral quality.

An intention, though not causally determined, is rationally determined, is in accord with some one or more reasons. Now the moral law furnishes a reason naturally and therefore

rightly dominating all others, and since it is the intention only that intelligently, impellingly, freely, preferably, conforms to or disregards moral law, it follows that the intention properly has moral quality, is either right or wrong.

Moreover, since the all-dominating moral law, the ultimate and absolute criterion of conduct, is addressed directly and exclusively to choice becoming intention, it follows that the intention is never morally indifferent, is always either right or wrong; right, when it intelligently, reverently and willingly conforms to the law; wrong, when it knowingly violates or merely disregards the law.

From these considerations it is manifest that the moral law applies, not directly to the outward, expressed, objective activity, but primarily and immediately to the inward, antecedent, subjective intention. Hence, if we regard a trespass as an action passing over from one person onto another, a realization of an intention inflicting injury, the formula of the moral law should be: Thou shalt not intend to do aught that would involve a trespass. It will be better, however, to regard a trespass as the total activity, including both the subjective antecedents and the objective consequents, the moral quality of this total residing in the intention.

§ **41.** That moral quality is thus a constant property of intention requires some further consideration, especially of the distinction between the intention to do an act and the ulterior intention with which it is done or the purpose.

There is a large class of offenses varying in degree from extreme criminality to comparatively slight culpability, such as murder, stealing, lying, betting, whose very essence is trespass. Hence the intentional doing of an action of this class is wrong; or, more closely, the intention to do it is wrong, wrong in itself, being a radical violation of the law of trespass. Complete, successful action is not requisite to

constitute guilt. An attempt, an overt act, though it fail, is evidence of guilty intention, and therefore condemnable; as in the murderous contrivance of Guy Fawkes, and in the villainous slander of Don John. A mere intention to do the deed, an intention that, perhaps for want of opportunity, never passes into overt action, is already a culpable violation of the law. Now what is essentially wrong can never become right, for this would be a contradiction. Hence any of this class of intents can never be justified by an ulterior end, however good, wise, benevolent this may be. No end can sanctify such means. We may never do evil that good may come.

Conversely, what is essentially right can never become wrong. The intention to do an act that is right in itself alone considered cannot be vitiated by an ulterior purpose, however vicious this may be. Shylock did a righteous act in the loan of the ducats; it was his ulterior purpose that was wicked.

There is another class of intents that, in themselves alone considered, have no moral quality; as an intent to give money, to take a walk, to write a letter, and very many others. Such are usually spoken of as morally indifferent. But an intent of this sort, being properly of a means to an end, has the moral quality of the intended end imputed to it; in other words, the proposed end sanctifies or vilifies the proposed means, this becoming right or wrong according to the ultimate purpose, or the intention with which it is done. If I propose to give money, which intent in itself has no moral quality, with the further intent to relieve distress, the intent to give becomes right; if to buy votes, it becomes wrong. So the intended means takes its moral color from the intended end; for the intention in such case is to be judged in its totality, not in its dependent parts; it is dyed throughout with a uniform hue.

§ 42. The principle that moral quality is imputed to acts which in themselves have none, is of wider application.

Let us recall the fundamental fact in human nature that a free will is the primary condition of moral activity, is the central essence of personality, and is most nearly identical with the ego, is I myself. To it alone of my powers, that is to me myself, the mandate of the moral law is addressed, since by it alone am I able to direct my powers. For the functional property of will is to control, according to its freely formed intention, by means of attention, directly or indirectly, all other elements of personality, as cognitions, feelings, desires and muscular motions, awaking or stimulating or repressing their activity; and its obligation is to exert this control according to the supreme moral law.

The mastery of the representative cognitions, of mediate perception, memory, imagination and thought, is immedidiately accomplished by directing attention to this or that object as one may choose. They thus have moral quality imported into them, or imputed or attributed to them, according to the intention. For the effort of attention is a passing from the sphere of freedom into the sphere of causation or necessity, and what shall take place in this sphere, being determined by the freely formed intention, is marked by the moral quality of the determinant, becomes essentially right or wrong by imputation. I am morally obligated, for instance, to exert and regulate my logical faculty in search for truth, its proper object, especially for such truth as bears upon conduct, lest an error lead to trespass. The moral judgment, by inference from the moral principle, thus discovers reasons determining intentional conduct, and so is obligated, through the will, to a most patient and vigorous exercise, which is also, because of this obligation, a righteous exercise. Neglect of the obligation, or failure to fulfill it, renders us responsible for our avoidable errors and their consequences.

Inasmuch as feeling is correlated with knowing, our emotions and sentiments are subject to indirect yet efficient control by means of the direct control of the cognitions with which they coördinately coöperate. For, since we can at will directly transfer attention from object to object, we are able thus indirectly to induce or repress the feelings that attend contemplation. These, therefore, have moral quality imputed to them, those that are normal or orderly being right, those that are abnormal or disorderly either in kind or in degree being wrong. They can and should be controlled, regulated, well-ordered. Because of its vast importance, let belief be instanced. It is the feeling of conviction, the assurance of physical or moral certainty that attends or is correlative to the recognition of truth. Its opposites are the feelings of doubt and disbelief. Now obviously, so far as we are under obligation to search out attainable truth, thus becoming responsible for our ignorance of what we could and should know, just so far are we bound to believe and are responsible for doubt or disbelief of attainable truth; these, indeed, being merely correlative statements. Hence we can be and are reasonably commanded to believe authentic or accessible truth; the belief of it is right, the doubt or disbelief is wrong.

Likewise desires have imputed moral quality. Desire is conditioned on real or imaginary objects of cognition; consequently it comes and goes with their contemplation. Since this is under direct control, the desire can be effectively though indirectly regulated, and is right or wrong according to the volition. But because desire directly solicits choice and becomes the motive in effectuating the intention, it receives moral quality in a marked degree. For example, covetousness, which may be taken as the type of abnormal desire, is forbidden in the law, Thou shalt not covet; the only one of the Decalogue formally subjective. Thereby I

am commanded to suppress covetousness whenever it instinctively or spontaneously appears, much more am I forbidden to incite and cherish it. I am required to choose, intend and enforce its cessation; for it is abnormal and evil, tending to objective disorder and trespass. Therefore I do wrong to allow it, and it becomes wrong by the allowance. Normal desires, which within their limits not only are right in themselves, but constitute the very basis of all human rights, become abnormal and evil by degree, either when weakened by inattention to their objects, or when immoderate and inordinate by excess. They then become wrong, because I do wrong in neglecting or failing to regulate them.

External activities, the movements of the voluntary muscles, and their proximate consequences, are, for like reason, right or wrong by imputation. It is only by an observation of his overt acts that one's mental states, thus expressed, can be judged by other persons. Hence we correctly speak of good deeds, bad habits, and the reverse, and approve or censure them; but always with reference, though tacit, to the subjective intention.

It is a weighty and impressive truth that, not only our outward conduct, but our innermost thoughts, imaginings, feelings and desires, all at all times, are made by their intentions right or wrong; that we are responsible, not only for every idle word, but for every idle thought or wish; and that in the perfected administration of moral government, all these shall be brought into judgment. Who hath ears to hear, let him hear.

§ **43.** The many deeds that are essentially trespass, wrong in themselves, are not known to be so intuitively, but only by inference from the moral principle as an ultimate major premise. Hence we are liable to error in judging them, especially in the less obvious cases. The error arises from

an obscure or confused apprehension of the ultimate principle or law, or from an incomplete or inaccurate knowledge of the particular case subsumed, or from bad logic in making the deduction. Hence it sometimes happens that one sincerely desiring to do right, having a motive and an ulterior purpose that are right, honestly judging and believing that what he is doing is right, may nevertheless be doing what is wrong in itself, essentially, unalterably wrong.

Also it is true that every man in all cases is morally bound to do what in his best judgment seems to him to be right. In popular phraseology, he must obey his conscience; is doing right, if he acts conscientiously; is wrong, if he violate his conscience. Obviously it is implied that one should carefully exercise his best ability in judging a case, bringing to bear upon it all the light attainable, unobscured by predilection, repugnance or passion; then, having done this, he must conform his conduct to the result of his judgment. If circumstances require a prompt decision, without time for close consideration, then a habit of moral thought and a familiarity with moral principles greatly enhance the probability of a correct decision; but in any case it is morally necessary that he intend and do what his moral judgment approves; otherwise he becomes a willful offender.

Now, putting this and that together, we have the moral paradox, that one in doing what is wrong in itself may be doing right. This is an inevitable consequence of the imperfections of moral judgment. Othello was bound by high principles of honor, as he understood them and the case, to commit uxoricide. The infanticide by the Hindu mother is an act of piety. Saul as persecutor verily thought he was doing God service. Conversely, one in doing what is right in itself may be doing wrong. A judge in granting a righteous suit is doing what is right; but if he do it merely to escape annoyance or censure, or to entangle the plaintiff in evil consequences, he is in the same act doing wrong.

This moral paradox involves imperfect persons in dreadful responsibilities. We are answerable not only for wrong believed to be wrong, but for wrong believed to be right, and for right believed to be wrong. 'Tis a strait and narrow way. A legal maxim holds that *Ignorantia juris non excusat;* but, in equity, ignorance or sincerity in a moral blunder palliates, especially in a penitent, though it does not excuse, an offense, and so becomes a ground for mercy by a mitigation or a transfer of punishment. Naturally we do not shudder at the crime of Othello, as we do at those of Macbeth. Saul obtained forgiveness because of ignorance. Divine mercy dictated the prayer: Father forgive them; for they know not what they do.

CHAPTER VII

JUSTICE

§ 44. Thus far the moral law has been considered chiefly as prohibiting aggressive and injurious acts or lines of action. The formula, Thou shalt not trespass, primarily forbids whatever unwarrantably interferes in another's liberty. Its correcting effect is to put a strong positive check upon the hindering activities of related persons, to the end that every one may fully gratify his normal desires; it restrains within bounds the course of each, so that all others may freely exercise their rightful license. This prohibitory sense is so obvious and emphatic that many who are under the law conceive that by keeping within the prescribed bounds the demands of the law are satisfied, that purity and innocence, which are negatives, fulfill its behest, that to forbear injurious aggression is the sum of obligation.

But this is a very inadequate conception of the content of the law, a law enjoining an order of facts that ought to be; enjoining in the negative sense of forbidding one class, and enjoining in the positive sense of requiring another class. It lays upon us the injunction both to refrain and to perform. It says, *Thou shalt not* transgress stated bounds; and by necessary implication, it also says *Thou shalt* do many things within those bounds. This positive requisition is not less obligatory than the prohibition, and it is merely because of the imperfection of language, unfitted to express both the positive and negative aspects of one and the same thought or mandate in a single simple formula, that the one is apparently more emphatic than the other.

The necessary implication of active obligation is readily explicated. Trespass is effected either by commission or by omission. That the one is direct, the other indirect, is not a difference in essence, and either may be a wrong as heinous and as fatal as the other. In the various relations of men, every one has rightful claims upon the activities of others, and they who omit to fulfill these claims commit a wrong, a trespass. For, my willful omission of an act to which some other has a right, is a violation of his right, is to leave him under a restraint of his rightful liberty, which restraint I am bound to remove. To be merely negligent, heedless, thoughtless, careless of another's right to my action, is to embarrass him more or less, is to interfere indirectly in his liberty, and thus is to trespass on him. Therefore, to him that knoweth to do good and doeth it not, to him it is sin.

The point here brought squarely to the front has been to some extent anticipated in several places. In what follows we shall give it full recognition, and allow its weight to establish the equilibrium between forbearing and doing, which equilibrium a correct conception requires. Thus it will appear that the law of trespass rightly interpreted applies exhaustively to the relations of man to man, and is comprehensive of every phase of obligation.

§ **45.** The term justice is the abstract from the concrete form just. To be just is to concede to everyone his rights; and justice is the concession of rights. This is the most general sense. When a right consists in a specific claim on the action or inaction of some one, the concession of a just man implies his action or inaction in satisfaction of the claim. Accordingly a distinction is sometimes laid down between *justitia interna*, disposition to do right, and *justitia externa*, rectitude of conduct. The opposite of justice is injustice, which is to refuse or to neglect the concession, and of course

its actualization. Whoever is treated unjustly, be the injury great or small, is thereby restrained, more or less, in his rightful liberty to gratify some normal desire, which restraint is essentially a trespass.

Indeed it is quite obvious that injustice is trespass, and trespass injustice; and that the law forbidding trespass is a law forbidding injustice. For, according to the moral principle, every one has a right, if not trespassing, to gratify his normal desires; but it is impossible to have this gratification in a multitude of cases except by concession of one's fellows; hence, if they withhold the concession, they disappoint his desires, and nullify his claims. For example, I have a right to the fulfillment of all formal contracts and of all informal promises made to me, whether for money or service, a right to the payment of all that is my due; if the debtor refuse, or if any one hinder his payment, it is a trespass, an injustice. Also I have a right to acquire knowledge, property, social position; and if any one hinder my effort, or neglect due help, he does me a wrong. Again, I have a rightful claim on my fellows for a fair judgment on my character and conduct; and to deny me the measure of honorable esteem to which I am entitled is a gross injury; to slander me, one still more gross. Moreover, I am naturally a social being; and if, without warrant, my association with companions is prevented or disconcerted, my right is infringed, I suffer a wrong, a trespass, an injustice. Thus injustice, or its cognate injury, is as truly committed, indirectly, by withholding or perverting a right, as by directly inflicting damage. Also it is evident that to prohibit injustice is to command justice. The sole difference is in the negative and positive expression of the same thing. The injunction, Thou shalt not trespass, is identical with the injunction, Be thou just.

§ 46. Justice taken specifically, with reference to matters

involving gain or loss, is subdivided into corrective and distributive justice.

Corrective justice is fairness in exchange, or honesty in a general sense. It is either voluntary, as in trade, in the market, in commerce, in fulfilling contracts and promises, in payment of debts, in remuneration for service rendered; or it is involuntary and rectoral, enforced by decrees of the courts in civil cases, as in the settlement of suits, the award of damages, the reparation of illegal trespass.

Distributive justice is distinguished from corrective by not including the notion of exchange. It is the proper partition of possessions and honors among members of society. It corresponds to the notion of approbation or censure bestowed in proportion to individual merit or demerit, to the award of prizes, and of penalties in criminal cases. When a man's course in life entitles him to the esteem of his fellows, and to such outward honors as express their valuation of his worth, distributive justice requires that these be accorded. From the recipient of a benefaction it requires gratitude. It is violated by excessive adulation or by slander; even by a secret misjudging of another's worth. In case of overt infraction of law it is satisfied rather than rectified by penalty.

§ 47. Justice, in the narrow sense of legal justice, is administered by courts of law. The civil law, or else the common law, and the statute law, which these courts apply to cases, together with the forms by which their proceedings are regulated and their decrees enforced, all have their immediate ground in the authority of the State, their ultimate ground in human rights, and all are specific reductions of the one law forbidding trespass, commanding justice. Jurisprudence, in general, is the science of rights as formulated and sanctioned by governing powers. It is the science of enacted law, investigating the principles common to all systems of

law. Morality enjoins obedience to the universal, natural law, *jus naturale*, in all possible relations of men; jurisprudence enjoins and exacts obedience to that law only in so far as it is recognized and authorized in the enactments of the State. Thus jurisprudence is a branch of ethics.

It is clear, then, that law-makers do not originate obligations; their office is merely to interpret and formulate the obligations already existing, and to enact special sanctions. All laws, organic, municipal, military, international, all ordinances, canons, edicts, decrees, treaties and arbitrations, have the same ultimate basis, the moral law; they must be just to be obligatory. *Jussum quia justum est.* If the law-making power, or, more generally, the constituted authority, depart from its function, and promulgate laws or ordinances at variance with the one moral law, or for other ends than those of public and private justice, or in disregard of the original and inalienable rights of the subject, then the enforcement of such laws and ordinances is unjust rule, is tyranny.

One qualification is needful. If an unrighteous law be not intolerably oppressive, and does not induce or sanction an immorality in the subject, then he is morally bound to obey it; for, since it emanates from constituted authority, a refusal to obey would be a trespass on the State through its accredited agents. The remedy is a repeal of the law. But if a law be so unjust as to be intolerable, then there is appeal to the higher law, *jus naturale*, by one as by Hampden, or by many as by the English colonists in America. This is rebellion, resulting perhaps in revolution.

The laws enacted by any human government, however they may be elaborated and refined in the interest of thorough justice, are nevertheless unavoidably inadequate and imperfect. They can effectually prohibit only the grosser forms of wrong doing, and secure the practice of mutual justice only in certain definite transactions, the vast majority of existing

obligations, many of the weightiest, being beyond the reach of the courts. Moreover, in such cases as come under the laws, and of which the courts of law take cognizance, it is very often difficult and sometimes impracticable to determine and administer strict justice. Yet, notwithstanding these inherent defects, the laws and the courts of law are the tense woof in the texture of social organization.

§ 48. Very early in the progress of civilization the practice of equity arose as a complementary extension of legality. The ancients, in measuring building material of irregular surface, used a flexible leaden rule. Equity, like a leaden rule, bends to the specialities of each case, while the iron rule of enacted law is inflexible. Circumstances alter cases, and law rigidly applied may work injustice. *Summum jus, summa injuria.* Laws are expressed in general terms, and being framed with reference to ordinary cases, it often happens that the actual cases involve matter beyond their scope. Moreover, there are many matters requiring adjudication for which the laws make no provision. It is the part of equity to supply such deficiencies by special action. Thence have arisen courts of equity or courts of chancery, distinguishable from courts of law. The decisions of a judge in equity are regulated, when there is no binding precedent or statute, by reference to the original principles of justice which give rise to enacted laws; hence his decisions are a species of legislation, judicial legislation. In the development and refinement of common and statute law, many of the approved decisions in equity have become incorporated in those systems; and equity itself, being more and more determined by precedent, has become assimilated to the common law. Hence in many of our States there is a fusion of official function, the same court, sometimes on the same case, sitting now in law, now in equity.

Casting off these limitations of its technical and juridical sense, the exercise of equity in the common intercourse of men is the doing what is equal, fair and right. It is the equitable between man and man, grounded on equal subjection to moral law or equality of rights among men, whether formulated in contracts, or existing in their merely natural relations. The distinction between equity in this general sense and the justice administered by the courts, that is, between the claims of human charity or natural justice and the claims of legal justice, corresponds nearly with the distinction between imperfect and perfect rights; a distinction, however, that is merely practical, not essential. Equity, in its wide sense, and natural justice are coextensive, and both are synonymous with right; etymologically, the opposite of justice is injury, of equity iniquity. The notion of equity and justice limited to jurisprudence, is a narrow and inadequate view bounded by a rugged horizon; but in their large and proper meaning they expand over the whole sphere of obligation, and are equivalent to rectitude and righteousness.

§ 49. Mercy is righteous forbearance toward an offender. It implies kindness or gentleness, and is prompted by pity or compassion. These feelings, when intense, are apt to induce a sentimental aversion to the claims of strict justice. Hence mercy is popularly supposed to be in opposition to justice, implying a disposition to overlook injury, and to mitigate or even wholly remit the penalty that sanctions the law. Such displacement of justice is not righteous forbearance, and so is not true mercy, but a weak indulgence of wrong that upholds license and works injustice. True mercy forbears, whatever legal forms may allow, to exceed or to abate the claims of natural justice.

Every man is necessarily a judge, not only of his own actions, but also of those of his fellows. Whether his judg-

ment find utterance in words and deeds of requital or not, he is bound to be just. Any excess of severity is injustice to the subject; any abatement of righteous rigor is injustice to society whose welfare is involved in the right judgment of its members. Mercy is shown in forbearing to do or even to think what is not strictly just.

The judge on the bench must be just. Usually, by the very terms of the law which he is set to administer, he has a measure of discretion; but he must not transgress its sharply defined bounds, and within these he is to use discretion, not license. The range is allowed, not for the play of pity or of resentment, but in order that he may mercifully adjust his decree to the peculiarities of a case. Too great severity is injustice to a party present; too great leniency is injustice to society whose interest he is empowered to guard. Judicial mercy secures a righteous forbearance of trespass on either, thus not merely coexisting but coinciding with strict justice. The criminal law is merciful in holding the accused innocent until proved guilty, and in giving him the benefit of doubt; which is but just. With a chief executive or sovereign is lodged a pardoning power. This prerogative of clemency is not for sentimental exercise, but for the equitable adjustment of penal desert and general welfare. It is mercy, but also it is justice.

Shall not the judge of all the earth do right? Justice and judgment are the habitation of his throne, mercy and truth go before his face. He is long-suffering and of great mercy, forgiving iniquity and transgression, yet in no case clearing the guilty. Justice, no less than mercy, is an essential attribute to God. He, as absolute sovereign, decrees unbounded mercy to the penitent, and vindicates the claim of immutable justice by a vicarious sacrifice. Such is the Christian scheme; such is divine mercy.

CHAPTER VIII

DUTY AND VIRTUE

§ 50. The obligations, both active and passive, laid upon us in the moral law are duties. Duty is the name of a relation, and so requires two terms. Every duty is because of something due from one person to another. It is the relation of debtor to creditor. Honesty, honor requires the payment of debt. The commercial meaning of dues or debts is merely a specific application of the essential sense inherent in these terms in their general application to every phase of human obligation.

To withhold what is due another is a violation of his right, is an unwarranted interference in his liberty of action, is a trespass, and is forbidden by the moral law. But to forbid non-payment is to command payment. Pay thy dues. Owe no man anything. We must pay what we owe. We ought to render to every man his own, that is, what we owe him. These are but varied expressions of the one injunction, Trespass not, Be thou just, Do thy duty. Ethics may fairly be defined as the science of duty.

§ 51. Right and duty are coextensive, merely different aspects of the same notion. Right belongs to the action, and is conformity to law. Duty belongs to the agent, and is subjection to law. Hence they imply each other. That whatever is duty is right, is quite evident. That whatever is right is duty, is readily seen. For, each case as it arises is subsumed under the law, or under rules, maxims of conduct, deduced from the law, and a conclusion is drawn as to

what is right, what ought to be done. Now from given premises, if the terms be unambiguous and the reasoning correct, only one conclusion can follow, certainly not two or more essentially different. Therefore, in every conceivable situation there is for the moment one and only one course that is right; and this action alone being right it ought or owes to be done. When an action is clearly conceived to be right, that action and that alone is duty.

It is a corollary that duty is but another name for obligation, whose measure is found in the full application of the whole law to the whole life. Also it follows that duties never conflict. Often we are confused and in doubt as to the particular obligation, but of two possible acts, one being right, the other is wrong. There is no "divided duty." Moreover, it is wrong, *ex vi termini*, to do less than one ought to do; also it is wrong to do more; for this is an expenditure that is due elsewhere; for example, to overpay a bill. Sometimes one ought to do all he can; he is never bound to do more, but frequently less.

The essential identity of justice and right, and of injustice and trespass, has already been indicated. Hence it sufficiently appears that, right and duty being equivalent, justice and duty are likewise equivalent terms. In a didactic treatment of ethics, it is far less important to mark the shades of distinction among these synonymous terms, a right, right, justice, equity, mercy, obligation, duty, than it is to show distinctly that, as to their essence, they are one and the same, and that a violation of any one is a wrong, an injustice, a trespass.

§ 52. An action conforming to moral law is a virtuous action. This qualification implies a contrary inclination overcome by will. It is the doing of justice, the performance of duty, in a particular case, wherein the agent was

tempted to disregard obligation by an opposed desire, against which there was a voluntary struggle ending in its subjection. A virtuous person is one with whom the voluntary suppression of wrong desire is habitual, he subjecting himself uniformly to the law of duty, and thus molding his character anew. Under the law of habit, that our faculties acquire facility and strength by exercise, the righteous desires of the virtuous person prevail more and more uniformly, while their opposites, denied the nourishment of gratification, become weaker and suffer atrophy; until, finally, when and although all conflict, all struggle, has ceased, the victor, because of his victory, is dubbed a perfectly virtuous person.

The abstract name of this mark is virtue. In general, virtue is the conformity of will to the law discerned by practical reason or conscience. This definition implies that all subjective activities are regulated, duly coördinated and subordinated, so that each fulfills its normal function; thus enabling objective activities to attain their highest efficiency. Primarily it indicates the subjection of the craving to the giving desires; secondarily, the bringing of the members of each class into harmonious coöperation. Otherwise there is a continual strife, the lust of the flesh against the spirit and disorderly preferences of each, that is incompatible with perfected virtue. Such entire harmony is perhaps an unattainable ideal, but in human nature there is a native impulse toward it, and an ability to approximate it. Virtue, then, is a proficiency in willing what is conformed to practical reason, developed from the state of natural potentiality by practical action.

§ 53. The cardinal virtues, as commonly listed, are fortitude, prudence, temperance and justice. The distribution originated with the Greek philosophers, and still holds in modern literature. They are called cardinal, because the

specific virtues hinge on them, and indeed they seem to be conditions rather than kinds of virtue. Each may be considered a fountain from which virtues flow. The Pythagoreans and Plato regard fortitude, prudence and temperance together as the source of justice, and justice as the genius of all duty, of all virtue, the perfection of human nature and of human society. With Aristotle also, justice is perfect virtue, yet not absolutely, but in reference to others. In this wide sense we have used the term justice, viewing it as the sum of all virtues, which are but variations upon its essence, and are universally prescribed in the concrete commandment, Be thou just.

§ 54. The man who disregards moral law, or in whom the desire to do right is weak, passes, by frequently yielding to temptation, under the dominion of other desires. Especially the appetites are likely, by reckless indulgence, to acquire abnormal vigor, and drive the weakened will helplessly into gross excesses. The appetencies, in men of higher order, may take control, producing the refined voluptuary, the avaricious seeker after material wealth, the secluded scholar absorbed in the pursuit of "knowledge for its own sake," or the unscrupulous ruler ambitious of irresponsible power. The will, whose function it is to regulate these constitutional powers, restraining their exercise, and determining natural, which is normal and moral order, forsakes this high office, and becomes their servant. Thus the man is enslaved by his passions. His moral sense is deafened by their clamor, his actions are determined by their impelling energy, his independent self-mastery is lost, and his freedom is limited to a choice among contending masters and forms of obedience.

To prevent or to escape from such degraded and deplorable condition, one must, by good-will working in the light of conscience, bring all his powers into subjection to moral law.

This regulation will give play to the faculties in their natural relations and proportions, which is the essence of right action, and will determine uniformity of fit conduct, which is moral order, the order of facts that ought to be. Such virtuous rectification secures peace, harmony, and the dignity of moral excellence.

The virtue that brings our activities into due conformity with moral law is usually posited as the necessary condition of soul-liberty, and perfected virtue is identified with perfected liberty. In surmounting his passions and inclinations, one becomes a freedman, a freeman and a master. The sage, said the Stoics, feels but is without passion, he is not indulgent but just to himself and to others, he alone attains to the complete performance of duty, and thus he alone is free.[1] This is the common doctrine of moralists at the present day, and we are exhorted to the exercise of morality because of the worth of liberty.

The liberty thus acquired is independence of unrighteous, discordant and distracting rulers. The virtuous man is freed from the dominion of overweening inclinations, of unholy lusts and passions. It is an ideal state, exciting our admiration and emulation. But this liberty is merely relative, not absolute. In breaking loose from subjective bondage, we pass under the objective bondage of law, an exchange of one bondage for another. All language supports this view. We are bound to do duty, obliged or under obligation to be just, forbidden to trespass, and must submit to many pains in fulfilling the demands of an inexorable law, constant vigilance being the price of impunity. This is not liberty, but rigorous bondage. It is a voluntary bondage, one that expands and ennobles our powers, satisfies the all pervading and overwhelming sense of duty, and harmonizes the man with himself and with universal order. Still it is bondage. Strict morality is strict subjection. Absolute liberty is incompatible with law.

CHAPTER IX

SELFISHNESS

§ 55. Names of mental states with the prefix self abound in speech and literature. A few are, self-approbation, self-condemnation, self-denial, self-control, self-esteem, self-abhorrence, self-love. Many of this class of expressions probably have their origin in the fictitious idea of an *alter ego*. The human mind subjectively distinguishes between the ego as conscious and the ego as represented. The former, the consciousness of self, is an element in every feeling, is essential to the existence of any feeling, and is itself recognized as a feeling. The latter, the representation of self, is a normal and habitual cognition, wherein the ego contemplates itself as an object, distinguishes itself from itself, and views this subjective object as though it were really another self, an *alter ego*. The idea of an *alter ego* is strengthened by a conflict of desires; the opposed impulses, being a pair, are personified as two selves. Moreover, the mind regards the objectified and personified self as a possession of the wholly subjective self, and capable of being affected by it, which finds expression in such familiar phrases as one's self, control yourself, I hold myself responsible, and the like. The two are identified in the phrases I myself, he himself, we ourselves, they themselves.

This distinction between the conscious ego and the represented ego, is unreal, inasmuch as it contravenes the essential unity of the ego. Evidently, in thought it is a fiction, in speech a metaphor. Hence, although it is a natural, a normal

mode of mind, there is need of caution lest it mislead us to commit the fallacy of figure of speech.

§ 56. The name self-love is commonly used to denote that longing for gratification which marks the craving desires when their end is self. But love is essentially a desire to benefit some other one, and this is contrary to the benefit of self. It necessarily implies a relation between two; in self there is really and literally but one. The compound word self-love is, therefore, a contradiction in terms, absurd literally, and can be allowed only as a metaphor derived from the fanciful idea of an *alter ego*.

But self-love is merely a misnomer, for the reality of the thing thus absurdly named is unquestionable. It is self-interest, or simply interest, egoism, selfishness, the opposite of love. For while love is desire to impart, interest is desire to profit. Egoism makes self the end, seeking one's own enjoyment and welfare at cost of or in disregard of another's. Psychologically it is the supremacy of the craving desires, the appetites and appetencies, over the affections; either disregarding these, or neglecting their call, or what is worse, a more intense and refined egoism, making the affections subserve self. Clearly the term self-love is a euphemism, filching the name of love to sanctify what in truth is its contrary, interest, egoism, selfishness. That, however disguised, it is to be condemned, will sufficiently appear in the sequel.

Closely related to the notion of self-love, is that of duty to self. Can I literally owe myself anything? Can I owe myself a dollar? How is it to be paid? By passing it from one pocket to another? Can I in any manner or measure be indebted to myself? Is anything due me from me? Duty is essentially the name of a relation between two; I myself am but one. I cannot possibly be in debt except to some other one. Hence the phrase duty to self is, in its terms,

self-contradictory and absurd. It, too, originates in the fancied *alter ego*, to whom the ego is said to be indebted as to another person. Clearly it is a metaphor, and deductions from the generic law of duty to this as a species of duty commit the subtle *fallacia figuræ dictionis*. As in the phrase love of self, so in the phrase duty to self, we detect selfishness again masquerading, now in the guise and under the sacred name of duty.

§ 57. But aside from terms the important question arises: Does not moral law command motives and actions that are selfish, that is, such as find in self an end? Moralists very generally answer affirmatively, and recognize a wide and weighty class of obligations terminating in self, having respect exclusively to self, impelled by self-love, and usually entitled duties to self. For example, they teach that every one owes it to himself to be temperate, that moderation, as opposed to excess in all things, is a duty to one's self, for the sake of one's own personality, and in order to self-culture. Popular speech also quite commonly recognizes, and is disposed to emphasize, duties to self, usually holding them paramount. It is heard in the every-day phrases, I owe it to myself, he was bound in justice to himself so to do, and the like.

Postponing for the present a direct argument of the question, we here observe merely that, if a man be morally bound in any case whatever to make himself an end, or in other words, if there be any real thing answering to the lame phrase duty to self, then the moral law as heretofore formulated in this treatise is quite inadequate. For trespass necessarily implies at least two parties, and the given interpretation of duty and of justice, though very wide, presumes always a relation between two. Obviously, then, our view of moral obligation, in its widest comprehension, does not include the notion of duties to self, indeed it excludes self as an end.

And truly there is no duty to self. In this case the phrase is not merely a misnomer, for there is nothing corresponding to it in any admissible sense. Self is never, can never be a moral end, but on the contrary, all selfishness or egoism is violation of moral law. Duties, obligations universally relate to others, and selfishness is sin.

§ 58. Let us briefly examine one or two of the duties usually classed as duties to self, and indicate their altruistic interpretation.

Temperance, or the control of appetites and passions, bringing them into conformity with reason, subjecting them to moral law, is commonly cited as one of the most comprehensive and prominent duties to self. Is it my duty to be temperate? Certainly. It is a cardinal virtue. Is it a duty I owe to myself in order to the perfection of my character? Is it a discipline in the process of self-culture for the sake of my personal excellence? Assuredly, say nearly all the moralists, both ancient and modern, it finds in self its end.

To be temperate is a primal duty, a weighty obligation; but it is strictly a duty, an obligation, to others. I owe to God, my maker and highest benefactor, to modulate into harmony the powers he has given me, that I may fulfill the mission on which he has sent me, and accomplish the work he has assigned me in the world. I ought to be temperate, husbanding my energies, that I may serve my family, my neighbor, the community, the state, mankind, as fully and completely as possible. Unless I be temperate, I cannot pay these dues. Moreover, I ought to be an example, in this golden mean, to my fellows, inclining them to its practice. Temperance is one of the highest obligations. It is the top round in the ladder of Christian graces. It ennobles. Still it is due, not to self, but to those around.

The pursuit of truth for the sake of truth is regarded as a

refined and noble avocation. "Knowledge for its own sake" is a high sounding phrase; but it is merely a euphemism concealing the reality, which is knowledge for one's own sake, a refined selfishness. But the worth of knowledge is in its power for good, and he who possesses it in large measure is a king among men. Every one is in duty bound to increase his stores, solely that he may thereby more efficiently promote the welfare of the present and the coming generations.

Much the same may be said of the duty of preserving life and health and strength. These belong not to me save in trust. They belong to my relatives and friends, to mankind. I am a guardian and agent. So of the duty of physical, mental and moral culture. I am bound to account with usury for the talents intrusted to me. So of cleanliness, decency, modesty, propriety, in private as well as in public. So of the preservation of my personal dignity and self-respect, of my honor, sincerity and truthfulness. Even the indulgence of innocent pleasures should be primarily for recreation, preparing me for renewed efficiency in paying my dues. The supply of necessities should ever be governed by the same general purpose, so that whether we eat or drink, or whatsoever we do, let all be done for others' sake.

§ 59. This doctrine is not ascetic, but altruistic. It transfers the end of all right action from an exclusive self to its fellows. All righteous conduct is disinterested, unselfish. The moral law, Trespass not, or Be just, or Do duty, is equivalent to, Withhold no due, but bestow in due measure. We say in due measure, for not all giving is righteous; a lavish or a disproportionate distribution of means or of service is wrong, being an expenditure that is due elsewhere.

The virtuous exercise of self-denial, of self-sacrifice, when clearly understood, is not the giving up of what one has a

right to retain and enjoy, but the yielding to another his due, discharging his rightful claim, according to him a right of which he is perhaps quite ignorant. Truly it is a parting with what I might keep, but what I have no right to keep. It is free, unconstrained justice.

While the chief, indeed the only end of life is usefulness, the promotion of the welfare of those to whom some one is related in accord with the relations, he is not thereby excluded from participating in the benefaction. The law, by this doctrine, forbids his making himself alone the end, and requires his regard and intent to be constantly beyond himself; but it does not prohibit his sharing, as a member of a community of two or more, the welfare he promotes. It does not require self-abnegation, nor entire self-forgetfulness, but that the inclination, the impulse, the motive and the intention be altogether benevolent.

It is a fact that in the judgment of mankind, for some reason or other, the practice of self-denial, of self-sacrifice, the exercise of affection, is held in high esteem, is accounted generous, noble, even heroic, and receives the warmest praise; while, on the other hand, selfishness, exclusive or excessive regard for one's own, is accounted ignoble, ungenerous, mean, and is heartily condemned. Disinterested motives and conduct are always praised; interested motives and conduct are always blamed. Why is this? Is it a delusion? Is it merely because when my neighbor works in his own interest, I have less of his help in mine? If so, then it is merely my selfishness that prompts me to condemn his. Is there not some less degrading, some better reason for the universal condemnation of interested action, and the universal approbation of disinterested service? Surely there must be, for I judge after this manner of the conduct of the ancients, whose conduct cannot possibly affect me. Yet there is a school of moralists holding that disinterestedness is a delusion, that

human nature is incapable of a purely disinterested action, that all conduct resolves, in the last analysis, into self-seeking. It is undeniable that selfishness generally prevails and is dominant. But let us distinguish between the actual and the potential, and heartily deny the impossibility of disinterestedness. Nay more, let us hold that purely disinterested conduct has sometimes been actually experienced, and also observed, and that it is truly the culminating perfection, the realization of ideal humanity.

§ 60. The thesis is presented in the following questions: Why is it that the affections, the giving desires, have a rightful supremacy over the appetites and appetencies, the craving desires? Why is it that the moral law enjoins the practice of affections, impulses to benefit others, and forbids the indulgence of impulses craving a gain for self as an end? The reason lies deep in human nature.

Let it be granted that all constitutional desires have natural and therefore rightful aims, and should harmonize, thus sustaining each other in their normal functions. Also, that craving and giving are contraries, whence a conflict between appetency and affection, which two therefore do not accord but are in constant and inevitable discord, unless one become subservient to the other. That our desires should be brought into functional harmony, will hardly be denied. That this harmony can be attained only by the subservience of one or the other class, is evident. Which is entitled to supremacy?

Now suppose affection be made to subserve interest. What is the consequence? The impulse to benefit another is obscured under the impulse to benefit self. I treat my friend with apparent and professed affection, using the manner and language of friendship, my real intent being to obtain for myself a gain. Perhaps I indulge my generous impulses in order to cultivate my generosity, a virtue I desire to possess

in myself. Evidently this is egoism or selfishness doubly refined, and therefore doubly odious. I degrade my friend into a mere means for my own profit, and so dishonor and wrong him. I do it under the form, and name, and profession of love, when in reality it is the contrary, base, self-seeking hypocrisy. If there be one character the most despicable of all, it is the hypocrite, he whom our Lord denounces in his most scathing terms.

But such procedure is something more than hypocrisy. It is the extinction of half of one's nature, of his affections. For, if I confer a benefit on my neighbor solely in order to benefit myself, this does not merely subject love to interest, since love is then no longer love, but simply interest. Love has ceased to be, and I am wholly, exclusively selfish. This is not the subordination and subservience of affection to appetency, but the complete suppression and extinction of affection. A large part of the normal nature of the man disappears, and he stands in opposition to all his fellows. It is universal war; every man's hand against every other. Surely this is not the way to personal excellence, to perfection of character. Surely this violates the law. It is amazing that many moralists should hold it obligatory to cultivate our affections to the end that we may thereby perfect our own personality, thus advocating a principle which would result in the extinction of affection, and produce a character absolutely selfish.

§ 61. Suppose, on the contrary, the craving desires be made subject to the affections. What follows? Are they likewise extinguished? Not at all. It is easy to understand how my appetency may, without loss, be made to subserve the ends of affection, craving various objects, not for my own sake as the end, but for the sake of those on whom I would bestow my energies and gains. Thus I may seek pleasure as

a recreation, as a means of refreshing my powers for more efficient service. I may strive, with great earnestness and activity, to acquire property and increase my wealth, not from the miser's desire to possess, nor the voluptuary's desire to enjoy, but in order that I may bestow on others the benefits wealth commands, reserving for myself only such portion as is needful for further beneficence. I may cultivate my intellect, not for the sake of proficiency, but of efficiency. Further illustration is superfluous. But let us add, I may desire power in order to greater usefulness; and I may desire reputation, the esteem of my neighbors, or even fame, simply because my influence in favor of the welfare of others is therein extended. Evidently the craving desires may crave in order to give, that is, they may become entirely subject to the affections, and so far from being extinguished, they are thereby refined and ennobled, and their activity enlarged.

We conclude that, since the subjection of the affections would quench them, but the subjection of the appetencies would advance them, the affections have rightful supremacy. Furthermore it follows that the right growth of character consists largely in this subjection of selfish propensities to the unselfish, and in so directing the former that they be no longer interested, but disinterested.

If it be objected that there are occasions for the exercise of affection, and other occasions for self-indulgence, the answer is easy. The claims of near relatives, of friends, of neighbors, of country, of mankind, of God, upon my means and energies, are paramount and exhaustive. Paramount, because these are dues, debts, duties, to be paid before self-gratification; exhaustive, since the totality of a devoted life fails to requite their righteous demands. Hence no hour, no dollar is my own to spend upon myself alone, regardless of my overwhelming indebtedness, of my unremitting and endless obligations.

It must be allowed that the scheme of character and conduct here proposed, is ideal, a high ideal, unattained and unattainable by any man. It calls for a declaration of truceless and internecine war upon selfishness. But selfishness so interpenetrates, in its many subtle forms and sacred guises, the human soul, interweaving its delicate fibers and gilded threads throughout our better nature, that to unravel and wholly displace it seems impossible. The best of men, those morally most refined, are still more or less influenced by selfish propensities, and occupied with self-seeking. But to approximate, as nearly as may be, the moral ideal, is the true struggle of a noble life.

CHAPTER X

SERVICE

§ 62. The three expressions of the law already considered, Trespass not, Be just, Do duty, upon a liberal yet fair interpretation, taking each in both its positive and its negative sense, are evidently coextensive and have the same content. This will be allowed. But their common extension may perhaps be understood to be limited to the obligation to do no harmful injury to another, either positively by direct aggression, or negatively by reserve of what he may justly demand. Practically most persons take this view, holding that, if one commit no hurtful trespass, pay promptly his manifest dues, be just in thought and deed, by this simple innocence his obligations are completely fulfilled. Many a man holds himself acquitted before the tribunal of his own moral judgment, before that of his fellow men, and of his final judge, provided he can truly say he has committed no wrong, meaning thereby that he has done no violence to patent rights, and awarded to every one his established claims. This seems to have been substantially the doctrine of the Stoics. It is a high estimate of duty, and one rarely accomplished. Nevertheless, if the notion be thus limited, it is safe to affirm there are obligations higher than duty. But the indicated limitation is by no means clear, the line cannot be sharply drawn, and hence it is better to extend the notion of duty to include these higher and wider obligations.

Recurring to the moral principle, a man has a right to gratify his normal desires, we observe that not merely the

acquiescence, but the assistance, of his fellows, is essential to this gratification. No man can live for himself alone. Apart from his natural longing for social intercourse, there are necessities that can be supplied only by the concurrence of those around, and in addition to necessities, there are many native and normal wants that require the coöperation of others. Here, then, is a just claim upon their assistance, upon their service. It is his right, and if withheld, he suffers trespass. The service cannot be compulsory, from lack of power, except in rare cases, and therefore must be free, willing service. Now rights are reciprocal. If some one have a rightful claim upon some other for free service, then this other has a like claim upon him; not, however, by way of repayment, of compensation, but because such claim is original with either. Hence no man may live for himself alone. Every one is morally bound to render, within certain limits, willing service to his fellow men. It is due them; free, willing service is duty.

§ 63. The obligation to render mutual service is universally recognized among men. In all the relations of life, this duty, though so imperfectly fulfilled and often grossly violated, is nevertheless judged by all to be binding on all, and its observance to be an essential part of righteous living. The prompting of instinct, antecedent to moral inference, is decisive in the matter. Imagine an extreme case. Suppose yourself standing on the brink of deep water in which a stranger is drowning, and it needs only that you reach out your hand to save him. Ought not you to do it? If you withhold the hand, and disregarding his cries for help and his manifest need, allow him to drown, would not your inaction be instinctively self-condemned and condemned by all as inhuman? Suppose him to be your friend, or your only brother; and, further, suppose that by letting him drown you

shall obtain the whole instead of half the inheritance; would not even hesitation be intensely vile? Ought not a man to help his brother, his father, his mother, his child, his neighbor, his fellow man? There is but one answer in any candid mind, but one among all cultured peoples.

Again, let us suppose the drowning man to be known as a worthless vagabond, or even as a dangerous criminal whose death would be a blessed relief to his family, and to society — let him drown? No. Is it to give him time to repent and reform? Hardly. Suppose him, on the contrary, to be a godly man, afflicted with painful incurable disease, a distressing burden to himself, and to everybody else — let him drown? No. Stretch forth thy hand. Help, in the name of common humanity. The obligation of helpfulness has no other condition. It is binding in every personal relation. Setting aside the differences in concrete cases, there remains the common, imperative principle: Thou shalt serve.

We have here another form of the law, but let it be observed, not another law. The law is one. The several forms may be viewed as progressing in comprehension, the second including the first, but wider, and so on, until this last expands to embrace the larger duty of man. That it includes the others is evident, for he who rightly serves will not trespass, and will pay his just dues. But it is preferable to interpret each as coextensive with the others, only presenting a different phase. Thus it may fairly be regarded as a trespass, as injustice, as undutiful to withhold helpful service, the moral law being comprised and expressed in the formula: Serve thy fellows.

§ 64. To serve is to promote the welfare of another. He who does this is a servant. The term as applied to menials has acquired rather a bad sense, especially when the service is compulsory, and the cognate word servile is distinctly

opprobrious. But no bad sense, indeed only the contrary, colors the notion of voluntary service, and of this we are speaking. To serve is to confer a benefit, and he who does this is a benefactor. A teacher is a servant, though we call him a master. He is a servant directly of his pupils, indirectly of his employers, of the public, of posterity. Politicians proclaim themselves servants of the people, which truly is their office, though the profession be insincere. Husband and wife, parent and child, mutually subserve each other's interests.

A servant is a minister, and this is a title of honor. Ministers of religion are servants of the Church, and as such are justly honored and reverenced. To become a Minister of State is to attain the highest official rank. The Prime Minister of Great Britain holds a place of exalted dignity. The motto of the Prince of Wales, descending to him from the Black Prince, is Ich dien, I serve, and perhaps no heraldic cognizance is more widely known, or more frequently quoted. A king on his throne is rightly the servant of his subjects; and the very King of kings pronounced himself a lowly servant, coming not to be ministered unto but to minister, and because of his humble service to humanity, he has the highest throne.

All service implies sacrifice. In reaching forth my hand to save a drowning brother, there is some expenditure of mental and neural energy, perhaps not measurable, but real. No service can be rendered without sacrifice, without giving, imparting what is in one's keeping. Hence the law of service is a law of sacrifice. Culture, in general, is preparation for yielding a return; specifically, as the cultured field is capable of yielding fruits, so the cultivated man is one prepared, by what he has acquired, to render services. When a sacrifice is complete and directed to a noble end, we call it heroic. The very essence of heroism is the entire sacrifice of self for

the sake of others. It is the object of unbounded admiration and praise. In ancient days it became distinctly a cult. But heroes and hero worship are not peculiar to antiquity, for always and everywhere the heart of humanity responds to the call. The heroic sacrifice of the great servant of all is commanding, not merely the admiration, but the adoration of mankind.

§ 65. The constant service demanded by moral law is not to be indiscriminate. One is not to serve all others equally. Our obligations to our fellows vary very greatly in extent. To near relatives we are bound for more service than to those further removed; first, because the possibilities are greater; secondly, because service creates debt, and where intercourse is intimate the exchange of benefactions is more frequent; and thirdly, because in certain cases, as of husband and wife, the minute interdependence calls for minute reciprocation. The extent of obligation is to be judged by the law of trespass. My service is due to one in so far as I do not thereby trespass on the rightful claims of some other. I may, for example, distribute my fortune in alms so widely as to violate the rights of my children. Likewise I am bound to promote the general welfare of the state only in so far as I do not thereby trespass on the rights of individual citizens, or of neighboring states, either by encroachment, or by transferring to either the service due to the other.

Moreover, it should be particularly observed that the alien service required does not preclude the agent from participating in the benefit conferred. When a man labors for the welfare of his family without thinking of or caring for his own individual profit, still, as a member of the family, he shares in the beneficence. When one serves the community or his country, either by promoting or by defending the common interests, it is evident that, since the interests are

common, he thereby enlarges his own liberty, and guards his own well being. If he does these things selfishly, himself his end, then he meanly degrades his family, his country, so far as in his power lies, to merely useful means; which treatment is unworthy, is a trespass, whatever be the result. But if, with no thought of his own interest or gain, he does those things unselfishly, making perhaps many painful personal sacrifices, still he shares in the beneficial results, is repaid and rewarded; and even should his efforts fail, he nevertheless enjoys the satisfaction of disinterested intent. Moral law does not prohibit any one from acting in a way that shall benefit himself, but only from thus acting in order that he may benefit himself.

These modifying considerations forestall the criticism usually and justly applied to strict altruism, that if every one should be constantly sacrificing his own welfare for that of others, there would be no permanent recipient of benefaction, and the perfection of morality on this basis would be not only a universal disregard of welfare, but also its annihilation. But according to the modified altruism of the present treatise, moral law does not call for such absolute self-sacrifice, for the extinction of the natural and healthful desire for one's own welfare. It forbids this only as a personal end; and the gratification of the desire is provided for, in the economy of human nature, by the community of interests, so that whatever promotes the welfare of another redounds to the benefactor; for, although, in the existing disorder of society, the objective return fail entirely, still the subjective sanction is abundant reward.

§ 66. In view of the right to service arises the question, in what manner and to what extent may one use another person. According to Kant, never as a means, but only as an end. He says: "The foundation of this principle is:

Rational nature exists as an end in itself. . . . Accordingly the practical imperative will be as follows: So act as to treat humanity, whether in thine own person or in that of another, in every case as an end withal, and never as a means only." He argues that to make use of another person as a means whereby to accomplish one's end, degrades him from a person into a mere thing, thus violating his dignity, his worth as a man. Since this is to wrong him grievously, he should be treated only as an end in himself.

The doctrine is striking, and with qualification it is true. We should never use another as a means, unless with his own full knowledge and free consent. If, without this, I myself be used as a mere tool, then, on discovering it, I am indignant, feeling I have been treated unworthily, degraded and wronged, according to the measure of the abuse. But with the consensus of all parties, the using each other as means to rightful ends is justifiable. Indeed, the greater part of the amenities of life, the enjoyment and benefit of social intercourse, kindness, politeness, could not otherwise exist. Such reciprocal use does not degrade, it ennobles; and by consenting to become an instrumental means, one becomes a participant in beneficence. This privilege of using others is limited also to rightful ends. One may never seek to use another even with consent in a way or to an end that is wrong; for this would be inducing him to become a partner in wrong doing, which would be doing him a wrong. The point in Kant's doctrine that I should make myself in mine own person an end, we have previously rejected as the essence of egoism. On the contrary, I ought ever and actively to constitute myself an intelligent and willing means to the welfare of others, which is altruism.

§ 67. A very important corollary from the general doctrine of obligatory service is stewardship. Since unintermit-

ting service is due from each one to others, according to his relations, it follows that his time, his energy, his ability, his capital, his estate, whatever he may have in possession or acquire, is in reality not his own, but the property of those others, and he himself is their steward. The transient influence one may have on his surroundings, his daily walk and conversation, his health of mind and body, his life itself as the basis of all, these are held in trust, and are to be devoted to the well being of his fellow men! They are the owners; he, their agent. All is due, all is debt, ever paying, never paid. Not less is comprehended in the law of service.

We are bound, as trustees, not merely for the keeping, but also for the increase, the accumulation of our holdings. One's talents, whether of gold, silver or iron, of brain, brawn, bone, of intellect, sensibility, will, are all, whether great or small, to be put to usury, and a strict account rendered. The servant who kept his Lord's pound laid up in a napkin was condemned as a wicked servant. Possessions are to be used, and used rightly, imbursed and disbursed, as dictated by the law of service, which demands a continuous distribution of our gifts.

A further corollary is the obligation to guard and to defend possessions. Obviously one is bound to secure what is intrusted to his keeping against all comers, otherwise he cannot fulfill the obligation to use it in alien service. Guardianship is itself a service, since it preserves for others their property, which preservation is, indeed, a very necessary part of the general service due. Hence my rights are to be watchfully and zealously guarded. The property in my hands must be carefully protected, to prevent any trespass. My personal liberty must be maintained free from unwarranted interference. My bodily welfare, and especially my life must be courageously defended against hurtful and deadly violence. The powerful instinct of self-preservation

indicates the sacred duty of self-defense, and the original impulse of natural affection shows the no less sacred duty of defending the lives intrusted to our care. Violence must be repelled, if need be, by counter violence. But defense should not be allowed to pass over, as it strongly tends to do, into mere vengeance. The impulse to revenge is a malevolent desire, and hence abnormal, and hence unjustifiable. Yet retaliation is sometimes the best and indeed the only means of effective defense, in which case it is duty.

§ 68. We can imagine a life conducted throughout according to the principles thus far expounded. One might conceivably be governed, in general and in particular, by a sense of duty, duty being here taken in the limited meaning of outward obedience to the law of trespass, justice and service, inspired by respect for the law, recognized as demanding thus much but no more. The whole life being one of innocence and beneficence, duty is said to be perfectly fulfilled by this external conformity to the law simply out of respect for the law, a profound reverence for all pervading moral obligation, and this alone is what should determine all human conduct.

The rigorism of this stoical doctrine is impressive and imposing. It is a severe and noble conception of duty, a high ideal. But observe, it does not merely disregard the affections; it requires their suppression. If we judge a man to be governed in all his conduct by a sense of duty, fulfilling carefully, anxiously, assiduously his many obligations, living a life of sacrificial service, purely because of respect for the law of duty, we are filled with admiration for so lofty a character; but if we judge him at the same time destitute of love, we admire him as we admire an iceberg. There is an instinctive repugnance to a person human, yet not humane. And if we find he has laboriously extinguished the

yearnings of natural affection in favor of an overruling and exclusive conception of absolute duty, we turn from him as from a monstrous and repulsive prodigy.

The sense of duty, rising high but stopping with good works, fails to fulfill the law's demands. In the moral ideal of humanity, there is something higher than this rigid stoicism. Were I sick and suffering, and did my friend serve me merely from a sense of duty, I should be displeased, I would tell him to begone, I will hire a nurse. Is it sufficient for a father to guard and promote the welfare of his child simply out of respect for his rational obligation? Shall a mother tend her babe with all the wonderful, beautiful solicitude and ready self-sacrifice that wins our adoration, merely because she knows she ought so to do? No, there is a higher, nobler impulse, maternal love. Should a husband and wife serve each other merely from a sense of duty, it would be a just cause of dissatisfaction, and perhaps of disunion. The conception of duty, enlarged beyond innocence to include beneficence, comes short of obligation. If it be thus limited, then it is legality, not morality, and again there is something higher than duty, something nobler than service. We heartily reject a scheme of ethics implying that a man is under no obligation to love his mother or his country, but should purify his character by eliminating all such inclinations; a scheme that clearly, distinctly enacts: Thou shalt not love thy neighbor.

CHAPTER XI

CHARITY

§ 69. An argument already offered, having its basis in the general principle that the natural or constitutional powers of man ought to fulfill their normal functions, or, more specifically, that every one has a right to gratify his normal desires, a right being a duty, concludes the appetites and appetencies to be auxiliary to the affections, which are thus normally supreme. From this it was directly inferred that self cannot rightly be an end. With equal cogency it is implied that the object of affection is the normal and rightful end of all endeavor. In other words, the affections, included under the general name love, are obligatory; they ought, in due manner and measure, to be gratified. The moral law, found in the original and innermost nature of man, enjoins that he love his fellow man.

Consider the meaning of affection, love, charity, benevolence, these terms being taken synonymously. Love is a desire, an impulse or inclination toward others, disposing one to give out from his own resources what may benefit them. Let it be kept clearly in mind that love is strictly a desire. It should not be confused with volition, though the synonym, benevolence, partakes, etymologically, of the volition; for love is simply the causative antecedent of the volitional endeavor. It is not a feeling, though attended by peculiar feelings; being neither an emotion, though the name is commonly applied to its attendant emotions; nor a sentiment, though the sentiments that normally accompany it act and react powerfully to stimulate the desire. Love is

properly and definitely a desire, relative to a sentient object, whose welfare it would promote.

§ 70. Ye have heard that it hath been said by them of high authority, Love cannot be commanded, for it is an affection, and not a volition which alone is subject to command. But love, benevolence, charity, pathological love, as distinguished from practical love which is not properly love but willing service, can be commanded; though truly it is an affection, becoming active only as the subject is affected by an amiable object, that is, an object susceptible of welfare. For, although every command is primarily addressed to the will, yet the will, having, by means of voluntary attention, indirect control of all the mental faculties, carries out the command, if not thwarted by passion, in impressing its subordinates into the required order. Otherwise the subjective springs of conduct could have no moral quality. Even belief, a feeling of assurance, of conviction, is commanded in the presence of truth; and the command is obeyed, and the feeling is induced, by giving attention, sincere heed, to the presented truth. Love, charity, a desire for another's welfare, may likewise be commanded in the presence of amiability, and the command obeyed, the affection induced, by giving like heed to the amiable capacity of the object. Hence the love of benevolence can be commanded, since it can be voluntarily induced, nourished and invigorated.

Not only can this love be commanded, but it is commanded. The moral law is embedded in and arises from the very constitution of human nature. Desires awakened by objects and guided by intelligence are the motives of voluntary conduct. We have seen that among these the affections are normally supreme, rightly subjecting all other motive impulses to their ends. Therefore we find that, in order to fulfill their natural functions, the affections must have not

merely free but preëminent exercise, and that this is essentially the supreme law of humanity demanding reverent obedience.

§ 71. The affections having different objects, have received various names; as, conjugal, parental, filial and fraternal love, friendship, kindness, patriotism, philanthropy. In each of these the affection varies both in kind and degree. The differences in kind are due to differences in the relations. The differences in degree are regulated by the possibilities. We are not bound to love all others equally, this being unnatural. Many ties, many obligations. Those most nearly related are bound to love each other with a special ardor; as, parents and children.

The sentiment of gratitude excites love for a benefactor or neighbor. It enters largely along with friendship and kindness into the forms and substance of true politeness, which is love in littles, and in all its grades is essential to high moral culture, and is ennobling.

We are bound to love those whose character and conduct we abhor, cherishing the desire to remedy the evil in them, and otherwise to better them. We should love even a wicked and active enemy; righteous defensive resentment being quite consistent with the impulse to promote, not his evil way, but his well-being whenever opportunity offers or can be found, and in so far as we do not thereby trespass on some other. In civilized warfare after a victory the wounded abandoned by the defeated are cared for humanely. This is love to enemies; we feel the obligation, and call it humanity.

We are bound to love all men of all races, those in the remotest regions of the globe, our very antipodes, yes, and even the generation yet unborn, in a due manner and measure. This is the obligation of philanthropy.

§ 72. Service fulfilling the law must be, not merely willing service, but loving service. We have seen that a life of sacrificial service, of active beneficence, determined only by respect for the law, fails of completeness. Though I bestow all my goods to feed the poor, and have not charity, it profiteth me nothing. It is essential to duty that love be its spring. The service due is loving service. Let the duplex form of this phrase be noted. Loving is desiring, a subjective motive; it is benevolence, well-wishing. Service is acting, an objective motive; it is beneficence, well-doing. Serving is the normal outcome, the natural consequent, of loving; they are psychological correlatives. Neither is complete without the other.

For, how is it possible that one should sincerely, willingly, intentionally endeavor to promote another's welfare, unless he desire the other's welfare? All voluntary effort is conditioned on an antecedent desire, so that the command of intelligent, willing service is a command of intelligent, loving service. One cannot sincerely strive for another's welfare unless he desire it, and this is love. If it be said, the desire is simply to obey, we reply, a desire to obey a command to serve, is a desire to serve as commanded.

On the other hand, how can there be love not followed by service? As faith without works is dead, so also is love without service. If it have any life, it is at least ready and watchful of opportunity to serve. For generous love impels to service. He who loves will serve, will render willing, active, self-sacrificing service. Also he who loves will be just, will pay all dues, will not trespass. Bear ye one another's burdens, and so fulfill the law. Owe no man anything, save to love one another, this being the only debt that cannot be finally discharged; for he that loveth another hath fulfilled the law. Love is the fulfillment of the law.

All the various presentations of the moral law heretofore

considered, we now find to be summed in the law of loving service, Thou shalt love and serve. And indeed we see that even herein is superfluity, for the whole moral law, the total of human obligation, is completely and comprehensively summed in the single categorical imperative of one syllable, love. Thou shalt love, is the perfect law, the law of love.

§ 73. Progress in moral culture consists in transforming fear into respect, and respect into love. With primitive characters, and even with many highly cultured otherwise, the fear of penalty is the chief, often the only, motive of obedience. To this may be added as one step higher, the hope of reward. In this is an appeal to the selfish propensities usually predominant in crude humanity. They are not thereby approved, but used to bring the man to at least outward obedience, a step toward inward culture. Thus the law is a pedagogue, leading men upward.

A thoughtful consideration of one's relations, a clear recognition of the law in us, inspires respect for its mandate, and an impulse to observance. Herein is a passing away from the influence of threats and promises. These are lost to sight, and obedience is determined simply by respect for the law. The vast all-pervading sense of moral obligation, a wide comprehensive view of duty, an obedience to the law for its own sake superior to its sanctions, produces nobility and excellence in moral character. Yet this ideal is cold, hard, stern, repressing as weakness the natural play of tender sympathy, of generous sentiment, of warm inclination toward others, maintaining a stoical indifference to their weal or woe, and giving help exclusively out of respect for the law of service. As a scheme of morals, this cannot be purged of egoism, of selfishness; for necessarily it holds that the so-called duties to self are equally or even more imperative than duties to another, those being the basis from which all other duties arise.

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In the still higher ideal, cold respect for law is gradually, as culture progresses, replaced by charity, which is the bond of perfectness. As in the second grade the sanctions of the law are lost to sight, so in this highest grade the law itself disappears from view, and its requirements are fulfilled without reference to its mandate. It is the fruit of moral growth that both subjective and objective activities accord with the law, not because of its pressure, but because the order and harmony of the natural powers have been restored, and the man does what is right because his dominant impulses lead thereto, and his free preference finds therein his highest gratification. He renders loving service in due measure to his fellow men, this having become the habit, the second nature of his being. He does by nature the things of the law, and having no law, is a law unto himself, showing the work of the law written in his heart. For love knows no law other than its own impulse.

Obviously, in the economy of human nature, this progression does not take place uniformly. A criminal at war with society at large may be dutiful to his family in other matters because of strong domestic affection, and in so far fulfill the law of love. The average good citizen knows little and cares less about the criminal code. Its enactments are not for him. He has not the slightest disposition to do what it forbids, and orders his actions without reference to it. The penitentiary, the jail, the gallows, have no terrors for him. The police, the courts, the judiciary, he recognizes as social machinery devised and maintained for the protection of his rights. They have no other meaning for him. He has risen above the great body of civil law, and is not, properly speaking, an obedient, but a law-abiding citizen who, without thought of the law, governs his conduct by his own cultured preferences. In his intercourse with friends and acquaintances, he may still have duties that are irksome and repug-

nant which he fulfills from a sense of duty, and therein feels the tense bonds of obligation. His further moral growth requires the enlarging and deepening of charitable sympathies, so that his conduct may be determined more and more by love, less and less by law; doing always the right thing, not because he ought so to do, but because he wants to do just that thing rather than any other.

§ 74. We have seen that so long as one acts merely from respect for the law, he is in bondage to the law. He has passed perhaps with many a fierce struggle out from a degrading slavery to appetites and passions and unbridled lusts, for of what a man is overcome of the same is he also brought into bondage, into a voluntary and honorable bondage. His conduct becomes uniform, reduced to the order of facts that ought to be, regulated by principles conforming to moral law. This is a dignified attitude, a high and rare attainment. But the man is in bonds, rigid, inexorable, though honorable, bound under a law that knows no concession or relaxation. By many moralists this is called liberty. Surely it is not liberty, but strict, the strictest, bondage. It is moral necessity. Regulus said: I must return. Luther cried: I can do no otherwise. Where, then, is liberty, the perfect liberty for which man so ardently longs?

Evidently when one does more and more as the law requires, not by virtue of the obligation, but by virtue of his own native or cultured disposition, he is passing from under bondage into the realm of liberty. When love takes the place of constraining duty, the law ceases to be law. Then he is no longer under law, but under grace; then, but not till then, is he perfectly free. The law commands, Thou shalt love; and when through obedience love has become the dominating impulse, confirmed and established, the law as law has disappeared. Thus perfect love is perfect liberty.

Then all doing is righteous yet free, since it is done in free preference to any other. Here and here only is the longed for liberty to be found. In our imperfection and struggles with self, which never cease, this highest ideal is never fully realized in human life. The imperfect person is one conscious of obligation. The perfect person is one conscious of holiness. Perfect persons are not under law; so that we may truly say the holy angels and the Deity are under no obligation to do what they do, but being perfect in love, are perfect in work, and perfect in liberty. Heaven knows no law.

CHAPTER XII

WELFARE

§ 75. The term welfare has been used in the foregoing discussion. The corresponding notion is of so great importance in ethical theory as to require special examination.

Many philosophers, both ancient and modern, hold that the total essence of well-being or welfare or happiness is pleasure. All activity, they say, resolves ultimately into seeking for pleasure and shrinking from pain, this being a necessary consequence of the original constitution of the animal man, fully explaining all his conduct, and determining his character in its highest development. The maximum of pleasure attained throughout life is the maximum of welfare. Pleasures are admitted to vary in quantity, and even in quality, the coarse enjoyment of brutal sensuality differing widely from the refined enjoyment of delicate sentiment. Originally, according to the hypothesis of evolution, all impulsion is brutally selfish; gradually it becomes polished by its environment, but with no change of substance. The doctrine is essentially egoistic. Benevolence, in its most generous forms, is explained by the pleasure it gives the benefactor, and a purely disinterested action is pronounced a psychological impossibility.

Without renewing the objections to egoism, let it be here observed that pleasure and pain are qualities belonging to feeling only. They are not elements of desire or of its gratification, though indeed they accompany both. We often seek to gratify a desire utterly regardless of the attendant pleasure or pain, and hence these are not universal ends.

Moreover, pleasure and pain have in themselves no moral quality, they are neither right nor wrong. But if pleasure were the ultimate end of human endeavor, then it were ethical in the highest degree, and the maximum of pleasure attained would be the maximum of virtue; which is absurd.

It is freely admitted that there is a natural and hence universal desire for pleasure and aversion to pain, the reverse being psychologically impossible. But pleasure as an object of desire is only one among a large number of appetencies, and it is not the chiefest or strongest or most prevailing, for there are others that often override it. Now it is evident that the gratification of one normal desire among many that are coördinate cannot constitute entire well-being; for to this end there must be a measured, harmonized gratification of all native inclinations. Nor can desire for pleasure be, even obscurely, the constantly informing element of the other desires; for very often we desire and ardently pursue, not pain itself, but what we know to be painful; we take pains to reach a painful end, bitterly demanding satisfaction, and heartily accepting the poignant consequences. Hence pleasure, even should it be at a continuous maximum throughout life, cannot of itself be accounted welfare, though indeed in complete welfare it is an ever-present and important factor.

Of course one may define welfare as a maximum of pleasure and discuss it accordingly; but it is very certain that this is not the notion of welfare that prevails among men. No doubt the notion includes pleasure, but it includes much more; for men condemn, as lacking dignity, a life whose sole aim is pleasure however refined. Who enjoys more delightful pleasure, according to De Quincey, than the opium-eater? Despite his delicious dreaming, he is judged a most pitiful wretch. Even he who devotes himself to giving pleasure to others, as the professional musician, is held in slight esteem. So also the comedian. Men enjoy

laughing, but the perpetually funny man is classed with the circus clown, a lineal descendant of the court jester, whose rank was low, and whose quips were regulated with whips. Still the pleasure giver has a calling, for pleasant recreation is needful to our welfare. But the mere pleasure seeker, studying his own enjoyment, not occasionally as a recreation but as the end of living, the devotee of social amenities, the professional sportsman, the dissipated spendthrift, the dissolute libertine, each of these is even more justly reprobated, hardly for lack of wisdom in his way, rather for total lack of wisdom's way. A life of pleasure, whether generous or selfish, even one of simple playful gayety apart from vice, is accounted a wasted life, and wise men take infinite pains to secure, through much self-denial, a regulated and sober welfare.

§ 76. We are, then, in great need to know, clearly and distinctly, the meaning of welfare. In accord with the fundamental doctrine of this treatise, the following definition is proposed: Welfare is the gratification of normal desire. From this it follows that continuous welfare is the constant gratification of normal desires throughout a complete life. Its attainment calls for self-control, for a measured adjustment of incompatible gratifications, in order to harmony, and to the maximum gratification of those desires that are natural, normal and in accord with moral law. The primary principle is, a man has a right to gratify his normal desires, if he do not trespass. Hence he has a right to welfare; but whether he will attain it or not depends on the intelligent regulation of his desires, together with the possibility of their gratification within the given limits.

It has been pointed out that, taken concretely, virtuous conduct is conduct conformed to practical reason or conscience, and, taken abstractly, virtue is action in conformity

with moral law. Also it was observed that virtue implies a struggle against obstacles. Now, besides the subjective difficulties of virtuous endeavor, the judging, choosing and striving for right life, there are practically numerous and great objective difficulties, external obstacles in circumstances, that oppose one at every turn, preventing the complete gratification of virtuous longings. If the subjective intention and effort be accomplished, then, even though the objective result fail, the chief condition of welfare is fulfilled, and its principal element provided. But to complete welfare, there must be an external realization of the subjective virtuous intent. So it is that, in the actual warfare of life, though it chastens and strengthens, there is rarely, if ever, a complete realization of thorough-going welfare.

Since we have defined welfare as the gratification of normal desires, and have characterized virtue as being the effort to realize this gratification in loving service, it appears that one's welfare consists in seeking disinterestedly to promote the welfare of others, and that an earnest constant striving to reach this end comprises the sum total of obligation. It is attained on two parallels. First, as a prime condition, one should seek, directly and indirectly, by precept, by example, and by whatever influence he may rightly use, to cultivate in his fellows a virtuous disposition, inducing generous impulses, and impressing the mandate, Go, and do thou likewise. Such education is due especially from parents to children, from teachers to pupils, from the enlightened civilizer to the benighted barbarian. Secondly, he should strive to remove, in so far as practicable, the external obstacles to their welfare lying in the way of his fellows, especially of those more nearly related to him; and also to furnish out of his own resources all reasonable facilities for these others to do likewise, thus helping them to modify and arrange their circumstances favorably to their own righteous

ends. So doing, he shall himself, without thought of himself, experience the working of that great natural law of human activity, It is more blessed to give than to receive.

§ 77. It is now needful to inquire concerning happiness, of which nothing has heretofore been said. The term is very indefinite, and though in common use, there is difficulty in fixing its meaning. Sometimes we hear that happiness is continuous pleasure. If this be allowed, then happiness cannot be identified with welfare; for, as we have seen, welfare is something more than pleasure. But, while pleasure is a large, and perhaps an essential ingredient in happiness, this also seems to have other elements. Then shall not happiness and welfare be identified? Not strictly; for, though surely there is an intimate connection between them, a distinction remains. It is the distinction of antecedent and consequent in causal relation. Welfare consists in the constant gratification of right desires. Now, like as pleasure is the reflex or correlate of spontaneous and unimpeded energy exerted in any special case, so, in the general course of living, happiness is the reflex or correlate of virtuous and successful conduct. Thus welfare is antecedent, well-being consequent; the one is dynamic, the other static; the one, prosperity, the other, happiness.

There can be no doubt that happiness is universally regarded as desirable in the highest degree. Whence it may be presumed that the desire for happiness is a subjective necessity, an established uniformity, a natural law in humanity. Also it may be allowed that no man can forecast the particular circumstances that would make him happy. Yet it seems not impossible for practical ethics to lay down rules of conduct in accord with fundamental principles, which, if favored by environment and followed intelligently and persistently, should conduce to happiness. But only a brief theoretical consideration is herein admissible.

It appears, then, there are in general two necessary conditions of welfare and its consequent happiness, subjective observance of moral law, and objective environment favoring realization. The former is necessary, but insufficient. The inward satisfaction arising from a full discharge of obligation, is an essential and the chief element of happiness; but untoward circumstances may so mar the felicity of a righteous worker that we deem him stricken, smitten of God, and afflicted. The most perfect man was a man of sorrows, suffering the contradiction of sinners against himself. On the other hand, the full possession of health, wealth and honors does not in itself constitute welfare. Outward success only, like that of Alexander, what doth it profit a man? There must be prosperity both within and without in order to welfare, and to its reflex, happiness.

Also we observe that no one can hopefully make happiness, however much he may desire it, his immediate object. It is altogether out of direct reach. The only possible way to it is through its condition, welfare. Hence wisdom disregards happiness as an end, not looking beyond welfare, but seeking this as the end of all endeavor. . This attained, happiness results by a benign law of human nature; well-being, the sanction of well-doing. A poet has said: Happiness is a wayside flower; plucked, it withers in the hand; passed by, it is fragrance to the spirit.

Moreover, let it be especially observed that, still less can any one hopefully make his own personal happiness his end. It has been sufficiently shown that, one's own welfare depends on his seeking the welfare of others. Hence one's own happiness is found only in thus promoting that of others. Outward duty done for the sake of inward satisfaction, fails as duty and as satisfaction. The mother, who with much self-denial waits upon her sick babe merely because, should the babe die from neglect, she could never for-

give herself and would suffer the pangs of remorse, that mother is an egoist, and not the mother we adore. She may escape the pain, yet is unhappy, for this is not the outcome of maternal love. Self-seeking in any form is foredoomed to failure, for it lacks the perfect virtue which, forgetful of self, strives for the welfare of others. Living for one's own happiness is living for one's self; and living for one's self is sure to be a failure. Living for loving service is living for others; and living for others is the sure and only road to welfare, both theirs and ours, that welfare whose correlate is happiness, both theirs and ours.

§ 78. Involved in the notion of welfare is the notion of good, a term so very ambiguous that its use has thus far been avoided. Good things are relatively or absolutely good. The relatively good are those not good in themselves, but only as a means to something beyond; as, riches. We seek them in order to attain those absolutely good, that is, such as are good in themselves, and not good for aught else; as, luxuries. What is good for something else has value; what is good in itself has worth. An end good in itself is an absolute end.

Absolute ends are altogether subjective, found only in certain mental states of sentient beings, more especially of persons, who habitually seek some one end, and only occasionally others, as desirable. Ends vary in degrees of excellence, as good, better, best. The best, the highest aim of human activity, is termed the *summum bonum*.

The determination of the absolute, the ultimate good, the *summum bonum*, as the end of all moral endeavor, was the primal problem of ancient ethics. The Hedonists found it in pleasure, the highest enjoyment of the present passing moment. The Epicureans also found it in pleasure, but posited the maximum of enjoyment extending throughout

life, and called this happiness. Plato solved the problem grandly by declaring that the highest ultimate good is not pleasure, nor wealth, nor knowledge, nor power, but is the greatest possible likeness to God, as the absolutely good. He taught that happiness depends on the possession of this moral beauty and goodness. Aristotle's ultimatum is happiness, but with a definition, already noted, that distinguishes it from pleasure, and is hardly exceptionable. The Stoics taught that the supreme end of life, the ultimate good, is virtue, that is, a life conformed to nature, the agreement of conduct with the all-regulating law of nature, the human with the divine will, whereby the sage combines in himself all the essential perfections of deity. We remark that each of these several doctrines is egoistic, finding the *summum bonum*, the ultimatum of moral endeavor, to be an attainment of the moral agent for and within himself.

§ 79. In modern ethics investigation of the *summum bonum* is less prominent, and various and conflicting views are entertained. The utilitarians teach the right aim and end to be happiness, which is variously and hazily defined. This doctrine divides into egoism and altruism, according as the agent regards his own happiness as the end of his endeavor, or makes that of related persons its object. If the good of a particular person, himself or some other or others, be the aim, it is called individualism; if the good of a community at large be the aim, it is called universalism, which has as many forms as there are kinds of community; for instance, social, national, or humanistic universalism. In seeking the good of a community the aim should be the greatest good of the greatest number.

The dominant form of philosophical ethics at the present day seems to be evolutionism, which affirms that development, progress, prosperity, is the end of moral endeavor.

According to Spencer, that is good, in the widest sense, which serves to accomplish some purpose; and the ultimate conscious purpose of all vital activity is the production or retention of pleasure, or the avoidance or removal of pain. According to Wundt there is a series of ethical ends, beginning with self-contentment and self-improvement, rising to social ends in public well-being and general progress, and terminating in humanistic ends, chiefly intellectual, which consist in the continuous improvement of mankind.

In opposition to the foregoing empirical doctrines, is the extreme intuitionism of the Kantians, who make the absolute ethical end to lie in obedience, pure and simple, to the objective moral law. Less extreme are the perfectionists, who make the supreme good to lie in excellence of moral character, which excellence they fail to define clearly, but hold that it is attained by the active exercise of the intellectual and sensitive nature under the presidency of reason.

The present treatise teaches that the aim and end of life is the harmonious and complete development of the man, individually, socially, politically and religiously, each one devoting his constant and total activity to the welfare of his fellows in loving service, thus obeying the perfect law of love and liberty, and thus attaining, as an unsought consequence, both his own and their happiness. The ideal of an ultimate and absolute good is that of a complete organism whose members coöperate in entire harmony; which implies the fulfilling by every organ of its normal functions, and hence the perfect wholeness of the organism. It denotes, negatively, the absence of all discord, of all impurity; positively, the perfection of functional activity. In the moral sphere, each rational being is himself an organized whole, and also an organized member of wider organisms. Now, since in every organic whole each member is at once means and end to every other, the law of an intelligent organism

requires that each member become voluntarily an active imparting means, as well as a passive receptive end. Herein is the ideal of welfare, and the sphere of the moral law, which commands every man to seek, not his own, but another's weal. Its observance regards that wholeness which is the *summum bonum.*

The correlative concomitant of wholeness or holiness is beatitude or blessedness. This is more than happiness, as holiness is more than virtue. Virtue implies a struggle, and a virtuous being is still under and continuously endeavoring to conform to the law. But in holy beings there is no struggle, they are not under the law, but dwell in a realm of perfect love, liberty and bliss.

CHAPTER XIII

DEITY

§ 80. The existence of God is a postulate of Ethics. A speculative system may be evolved from the mere conception of a deity, a conception such as is found, with many modifications and varying in degree from obscure to clear, in every human mind. But a true ethical theory, thoroughly established as a correct representation of its matter, to be complete and fully rounded out in accord with the demands of philosophical system, must posit as essential, not merely the conception, but the reality of Deity. We might adopt, relative to ethical system, the saying of Voltaire that "if God did not exist, it would be necessary to invent him; but all nature cries out to us that he does exist."

In modern times the attempt has been made, especially by the Comteists, to devise a system of humanitarian ethics, shutting out even the thought of God. To give such scheme philosophic unity and completeness, its authors have been necessitated to find a common end for all lines of moral activity, and they propose the general welfare of Humanity. This Humanity is personified, and set up as an object of reverence, and even of worship. Or the deity recognized in the affairs of the world is "the Stream of Tendency that makes for righteousness," which is "the Eternal, not ourselves." A modified view substitutes "the Unknowable," which, notwithstanding the negation, is defined to be "formative force, working according to its inner necessity." But it is very certain that a generalized abstraction, rhetorically personified by a capital letter, will never satisfy the minds

and hearts of men, nor even meet the demands of a godless philosophy. Such proposed end of human endeavor is at most either a logical generalization, gathering up in an abstract formula the moral causes manifest in secular history, or an enfeebled pantheism. True ethical theory, however, arises, not from impersonal generalities, but from individual men and combinations of rational beings in their actual relations; not from intellectual abstractions, but from concrete realities the most vivid and stern.

One point may be particularly noticed. Ethical schemes that do not recognize a personal sovereign Deity are unable to provide for the perfect administration of justice; they find no court of appeal beyond the consensus of men. Now, from the patriarchal day of Job until this late and enlightened day of ours, it has been and still is the common conviction of thoughtful observers that the distribution of rewards and punishments, the avenging of wrongs, the adjustment of claims, in the historical life of our race, fail of righteousness. But such is the profound faith of mankind in the ultimate triumph of the principle of universal justice that this further conviction prevails: There must of necessity be a supreme court of appeal which shall, in an after life, administer retribution, vindicate justice, and establish righteousness. Unless there be such provision, there is no ground for faith in the unity and supremacy of moral law.

§ 81. The ethical theory herein proposed posits as essential the real existence of a personal Deity. The one eternal God, from everlasting to everlasting, the almighty maker of the world, himself a spirit and the father of our spirit, the founder and center of all truth, the supreme ruler and final judge, unfailing in strict justice while abounding in tender mercy, a perfect person conscious of holiness and ruling in love — he it is on whom an intelligent faith rests as the

original source of authority, as legislator, judge and executor in one, who shall finally perfect all righteousness.

To those objecting to the anthropomorphic character of this conception, a sufficient reply is that no other kind of notion is possible to the human mind. For us God is thus, or he is not. Holding this to be the true conception does not degrade the Deity to the human rank, but lifts the human to the divine. He has made us in his image, a little lower than divinity, that in his likeness we may become partakers in his glory.

Should it be objected that the introduction of a supernatural element into an explanation of natural phenomena is unscientific, we admit this to be true of physical science, which is concerned with second causes only, having no recourse to a first cause. Bacon in his Organum, and Newton in his Principia, make frequent and devout reference to the Deity, though not as a factor in their systems ; but Laplace, it is said, when asked by Napoleon why he made no reference to God in his Méchanique Céleste, replied: Sire, I had no need of that hypothesis. So the physics of to-day very properly makes no mention of the Deity. But in metaphysics the chief problem is the existence of God. Ethics, which also is not a science of material nature, but of human nature, of man on his spiritual side, in like manner transcends physics. It treats exclusively of mental states and acts, of phenomena of the soul or spirit. The facts on which its theory is based are subjective facts of direct observation by introspection, which are combined with inferences from them and from observed external activities. Here we are wholly within the spiritual sphere. A clear distinction may be made, by a difference in degree, between the human and the superhuman, but who shall draw the line between the natural and the supernatural? To posit in the spiritual sphere a supreme personal spirit, so far from being unscientific, is

simply to complete the content of the sphere with a substance and its attributes, with the conscious personality of a rational being, in kind like to that which gives rise to the theory; and therefore this complementing of the scheme is strictly scientific.

§ 82. The ground from which the doctrine of this treatise has thus far been developed, is the natural constitution of man. His several powers of intellect and will, his emotional capacity, and the impulse to activity in his motive desires, have each a normal and coöperative function. Herein is discerned the principle that it is right to gratify normal desire, together with the supreme law of humanity commanding the constant order of facts that ought to be, the single imperative of trespass, duty, justice or loving service. Now, it may reasonably be asked whether the common constitution of human beings is to be regarded as an ultimate ground, an original source of obligation, beyond which there is no determinant.

Positivism answers affirmatively, which consists with its rigid empiricism. But we have tried to show that there is for us something more than experience. Evolutionism finds an antecedent determinant in the environment, a combination of second causes, under whose influence the human constitution has been developed. But when we consider the great variety of environment to which the several races of mankind have been subjected, we should expect, on this view, to find a corresponding variety of constitution, and consequent varieties of moral law; whereas, however great the variations in degree especially of intelligence, and the variety of constructions built upon the law, still, throughout history and everywhere, mankind is one, and the law is one.

This essentially permanent uniformity points distinctly to an origin for the human constitution in a cause beyond

itself and its environment, and, on the principle of like effect like cause, to a common cause, to a unity in the originating cause. The existence of an omnipotent and consistent maker and ruler, is the only satisfactory explanation of these significant facts that has been or can be offered, and this explanation alone fulfills the demand of ethical theory.

§ 83. Many theistic moralists hold that the will of God is the original and ultimate ground of obligation. He has made us as it hath pleased him, revealing his will in us, and in our relations to each other and to himself. A reverent interpretation of nature and of history enables us to understand his will more clearly, and to these he has added a distinct revelation of it in the holy scriptures. Had it pleased him to make us and our surroundings otherwise, or merely to issue different, even contrary, commandments, our obligations would have been different from what they are, since his express will is their sole, sufficient and final ground.

That the will of God, however revealed, defines our obligations is unquestionable. But we cannot regard his authority as decisive, if it be merely arbitrary; for this view implies the possibility of contradictions that are revolting. Should he capriciously command lying, murder, theft, all heaven and earth would rebel. The doctrine unwittingly represents him as a tryant ruling by fear, liable to transient whims inverting right and wrong, disordering order, compounding felony, falsifying truth, thereby divesting his intelligent subjects of all reliable knowledge of himself and of his creations. Such notion is psychologically, philosophically and logically absurd.

We must look beyond the will of God for the ultimate determinant of obligation, into that which determines his will, into his original, eternal, essential nature. Necessarily

and rightly we conceive of him as a spirit, having harmonious attributes constituting his nature, in which is no variableness nor shadow of turning. Being in himself the embodiment of truth, it is impossible for him to lie; being essentially just, he can never justify crime; such self-contradiction would dethrone him, would be the suicide of God. His omnipotence is not absolute, but limited to what accords with his nature, and his every action is confined to the strait and narrow way of righteousness. The macrocosm, the world, "answering his fair idea," conforms in the fixed material laws to his unchanging essence, and the uniformity of nature is the faithfulness of God. The microcosm, man, the express image of his person, is formed to conform in the fixed moral law to the same unchanging essence, and the oneness of justice is the righteousness of God. It is not the will, but the nature of the Deity that is the original and ultimate ground of obligation.

§ 84. The final problem in our obligation to each other is now readily solved. The prior examination of human nature found it constituted for a free and harmonious play of its powers in the exercise of loving service, and this was recognized as the sum of obligation. Further examination has disclosed that human nature is derived from and akin to the divine nature, so that in promoting the welfare of each other, men are conforming to the divine will arising from the divine nature. The maker and ruler has given to every man more or less ability to promote the common welfare, and holds him accountable for its exercise. Whoever unwarrantably interferes with this service trespasses both on the servant and on the served, and thereby violates the divine will and nature. Much has been said about the divine right of kings. Every man's right is a divine right; both because of its origin, and because it involves the right of the

Deity himself. Hence the sacredness of human rights, and the paramount obligation to respect them. Arising from the very nature of God, they are invariable, inalienable, irrevocable, grounded in eternal justice and truth, and he who would violate them is at war with the inflexible Almighty.

Along with our obligation to each other is our obligation to God. To him is due, in the most comprehensive sense, loving service. We are bound to love God for his own sake, and all others for God's sake. The recognition of him as our personal creator and ruler, and of our obligation to him as his creatures and subjects, leading to adoration, is religion, the binding of man to God. Thus ethics expands over religion by comprehending the author of our being, the father of our spirit, the eternal One from whom all our obligations arise, and in whom all our obligations end. He desires all that is disorderly to become orderly, and calls upon his rational free creatures to gratify, so far as in them lies, this desire; hence it is hardly too much to say that our conduct affects the welfare and happiness of Our Father. To serve rightly our fellows for his sake, is to serve him; and a trespass upon a fellow man is a trespass upon him. Moreover, he has a supreme right to our reverential worship, and omitting or neglecting it is using our freedom, which having given he will not revoke, to restrict his liberty in gathering up his due.

Contemplating, inversely, the relation of God to man, we observe that the obligation is not properly reciprocal. We cannot think of the Deity as under any obligation, under any law, under anything; for this contradicts his essentially absolute supremacy and sovereignty. But while it cannot correctly be said that he is bound to be steadfast in purpose, and faithful in promise, it is very certain that he will be thus, and all that is righteous, because of his ultimate nature. Now, as the universality of physical, psychical and

ethical law indicates his unity, so does the total content of ethical law, loving service, indicate his benevolence. He seeks the welfare and consequent happiness of his sentient creatures in his own constant loving service of them, both by direct providence, and by the obligation laid upon them to serve each other. Hence are we confident of his inexorable and perfected justice, essential to entire welfare, in which justice every life shall eventually be complete; also of his tender mercy to the erring, he having opened a way, through infinite self-sacrifice, whereby to be just and yet justify the penitent, and secure to him eternal welfare and blessedness. Our God is no egoist, but an altruist. He did not make us, nor does he rule us, for his own glory, but for our own beatitude. God is love.

ELEMENTARY ETHICS

SECOND PART — ORGANIZATION

TRANSITION

§ 85. A glance over the course thus far pursued will prepare for further advance. The purpose of Ethics is to bring our ordinary moral judgments, so far as they tally with enlightened conscience, into a coherent system, discovering in them a principle which shall give it philosophic unity, and also furnish, if we would not have a mere castle in the air, a foundation on which to build. Beginning with the common notion of a right, its condition is at once seen to be a reciprocal relation between persons, each having orderly claims upon the other, which claims compose his rights. These rights are grounded in the very constitution of human nature, which, moved by its normal desires, seeks their gratification. The fundamental right is a right to liberty in this pursuit. This is the primary principle of Ethics. An intentional violation of a right, an interference in one's proper liberty, is a wrong, a trespass, which being a subversion of constituted order, is forbidden. This is the moral law, discerned by conscience, and supported by subjective and objective sanctions.

Obligation takes several forms whose essence is one. Primarily its law forbids aggressive trespass, then equally it forbids retentive and neglective trespass. From these emerge

the comprehensive forms of justice, duty, virtue, service and love, the last pair being the choice expression simply because it brings more clearly forward the common essence. For, in examining the springs of action, the affections are seen to be naturally paramount, all other desires ancillary and disinterested. They are inconsistent with interested motives whose ends, lying within the agent himself, are selfishly opposed to loving service. The ideal man expends his energies in serving the interests of his fellows without thought of his own as separate and independent, but only as involved in the common welfare.

It should be observed that there are three principal notions pervading the discussion, which grow out from the fundamental notion of rights. These are:

1st. Trespass, in its direct and indirect sense, which as forbidden expresses the whole of obligation.

2d. Trust, in the active sense of mutual confidence that the law of trespass will be observed; and in the passive sense of stewardship, of being a trustee of all possessions, including life itself.

3d. Defense, meaning the right and duty to guard trusts by resisting encroachment on them; which is the only premise that can warrant an interference in another's liberty.

A strict and generous conformity to law results in common welfare. Welfare consists of liberty and continuous success in the exercise of benevolence and beneficence. The correlative criterion and natural consequence of welfare is happiness, which involves the special pleasure arising from a consciousness of disinterested conduct, and in general that arising from the satisfaction of enlarged and harmoniously regulated desires. But it is the essential dignity of benevolence rather than the resultant happiness that makes common welfare the proper aim and end of endeavor.

Finally, the general constitution or nature of mankind is

not the ultimate ground of obligation. A practical ethics may be built upon it, but complete theory needs to look beyond, into the nature of the Maker, which is the ultimate determinant of all nature, and more especially of the native obligation which binds his rational creatures to each other and to himself.

§ 86. We are to pass now from the consideration of obligation, a binding together, to that of organization, a working together. Heretofore the simple reciprocal relation of man to man, with occasional anticipations of other relations, has been the basis of our explanation. This view has proved sufficient for the development of certain ethical principles, and their application to the case supposed. But human relations are mostly complex, consisting largely of relations of the individual man to societies, and of societies to their individual members, and also of societies to each other. In considering hereafter these complex relations, it will be found that the same principles without addition are applicable to solve the obligations involved. The right aim of society, in its various organic forms, is likewise the common welfare, to be sought under the impulse of love. Every moral agent is a member of some system in whose welfare his own is bound up, and thus sharing his own beneficence, he finds his welfare, not in opposition to or deprivation of others or in any self-seeking, but in union with his kind.

The advantage of organized effort is familiar in the notion of help, the combination of several energies to accomplish a single purpose, one will directing many forces to the same end. The will may be that of one man, as a Cæsar, a Loyola, a Richelieu, a Napoleon, a Bismarck, overmastering and bringing to unity the wills of a multitude; or, turning from autocracy to democracy, the unity of many wills may be the result of a free consensus, as in a republic, and in voluntary

associations of all kinds. In this oneness of will the divided becomes an individual, a Briareus. What is subjectively plural is objectively single. The individuality is complete in its solidarity, and the combination is to be judged as an undivided whole, whether it be a family, a mercantile firm, a society, an army, or a nation.

Likewise let it be observed that conscience is catholic, and the law it reveals universal. Now a combination of men for a common purpose or purposes must be duly regulated by the common conscience. An organized association is responsible for its official actions. Even a nation may do right or wrong, and accordingly is honored or censured and perhaps punished. As a common will makes it an individual, so a common conscience makes it a person; for as a body it is conscious of obligation, and thus is a person. This organic personality, though not wholly independent of, yet is to be distinguished from, the private and persistent personality of the members taken severally, for it implies a mass of superadded obligations dominating the whole. Thus an organism, or that wherein all parts and the whole are mutually means and end, is recognized, when it consists of men, as an individual personality, subject in all functional activity, both internal and external, to the moral law.

CHAPTER I

THE MAN

§ 87. It will be well, as introductory to the subsequent matter and for the sake of its clear treatment, to examine here the organic character of the human constitution.

Each individual man is a completely organized being. Primarily he consists of a body and a mind or spirit. He is essentially a duality. A human body without a mind is not a man; it is merely a corpse. A mind without a body is — science knows not what. The disembodied human spirit may furnish matter for revelation, but since it presents no phenomena for our observation, it is beyond the reach of science. The man we study is a body and mind. These are coördinate. Both being essential, we cannot say which has priority in efficiency, any more than we can say which blade of a pair of shears does the more work. They coöperate, and neither can perform its functions apart from the other. Thus the body is for the mind, and the mind is for the body. Each is a means serving the other as an end, so that together they constitute a duplex organic whole.

Evidently the body is itself an organism. The limbs are for the sustenance of the trunk, and the trunk is for the sustenance of the limbs. If the body suffer mutilation, the loss may in a measure be compensated by an increased or a specialized activity of other organs, yet it is a defect. The heart supplies the brain with blood, the brain supplies the heart with energy. Moreover, each subsidiary organ is itself an organism. The visual organ, the eye, serving as a guide to the movements of the whole, is composed of various

organs, as the cornea, the lens, the retinal screen, each of which is a means to every other as an end. Thus the whole body is an organism composed of many organisms, to each of which every other and the whole brings its contribution.

§ 88. The mind is a complement of faculties, an assemblage of functions. Its several generic powers, knowing and feeling, desiring and willing, are reciprocally related. Each class is a means to the others as ends, enabling them to fulfill their normal functions. Were there no intelligence, there could be no emotion or sentiment; were there no intelligence and feeling, there could be no desire; were there no desire, there could be no volition; and were there no motived volition, there could be no intelligence higher than mere brutal receptivity. Each serves the other and the whole.

We must be on our guard lest we transfer to this spiritual sphere our notions of corporeal organs. These organs are distinct entities standing apart in space; whereas the mental faculties and capacities are simply properties or functions of one and the same entity whose substance has no relation to space, except through the incorporating body. It is nevertheless evident that these generic properties are mutually related as means and end. Hence they are organized as to their functions, and the mind, by virtue of this constitution, is a spiritual organism.

Furthermore, the specific powers are organically related, each special faculty being supported in the exercise of its functions by each and all the rest of its class. It will be best to exemplify this by the desires, with which, as motives of the will, we are here particularly concerned.

The desires are primarily divided into the craving desires, or appetites and appetencies, whose function impels to acquire, and the giving desires, or affections, whose function impels to impart. This opposition is merely logical,

for actually, in their naturally constituted order, they coöperate, the former seeking to acquire in order that the latter may be prepared to impart. The suppression or hinderance of either would be a mutilation, worse than the amputation of a leg or arm. As already pointed out, the exercise of the craving desires in disregard of the affections, is abnormal, leading to a distraction of the affections from their proper objects, and to a subversion of their functions; also the exercise of the affections in disregard of the appetites and appetencies, is abnormal, leading to inefficiency from lack of resources supplying what affection would bestow; but, if both classes be exercised according to their constitutional relations, each with regard to the other, then the offices they are naturally fitted to fulfill are performed, their several and combined efficiency is attained, and their exercise is normal. Each is for the other.

The same principle is applicable to all the various mental powers both in particular and in general, thus showing the mind as a whole to be an organism consisting of minor or subsidiary organisms so delicately adjusted that an excess or deficiency or distortion in the action of any one disorders every other and the whole.

§ 89. Let us try for a moment to imagine what a man might be and become if he were somehow so separated from all objects of affection that it could have no play. We need not suppose him incapable of affection, but only that it be wholly dormant from lack of call. Allow that this solitary can provide the necessaries of life, and even many of its luxuries, and that he can successfully engage in self-culture. Prudently caring for his body, he is temperate, and enjoys physical health and strength. Under the impulse of craving propensities, he acquires a wealth of means to further enjoyment, and his cultured intellect gathers and delights in treasures of knowledge.

Now we point out that, in this imaginary case, there is strictly nothing moral or immoral; for, it is the relation to rational beings, including Deity, or at least to sentient beings, and not merely the possession of a rational nature, that determines the existence of rights and obligation. No trespass is possible, in case of an absolute solitary, for there are no rights or counter rights. No duty is done, for there is no one to whom a debt is due. There is no virtue or vice, for there is no law demanding conformity. There is no justice or injustice, for there is no claimant. Nor can there be loving service. Indeed, this isolated man is destitute of actual conscience, for no occasion would bring the potential to an actual discernment of moral law. He has no responsibility, is not a moral being, not human, not a man, *unus homo*, *nullus homo*, not a person, since he has no consciousness of obligation. With him nothing is either right or wrong; even suicide would not be a crime. Truly it is not good that the man should be alone. Pleasures we allow he may have, even the intellectual; otherwise they are less than brutal, for the brute enjoys at least instinctive affection. But the solitary can never be happy, certainly not with that happiness which ripens into blessedness.

It appears, then, that man is essentially a moral being, and therefore essentially a social being. So let us change our supposition from one solitary to one in society, whose affections, however, are wholly dormant because of his entire selfishness. Guided by the counsels of prudence, negatively in avoiding harm, positively in securing personal benefit, he may accomplish the correct functioning of his physical organs, and maintain his body in wholesome condition. Also he may wisely discipline his intellectual powers, and regulate his passions and emotions, and so attain a high grade of efficiency. Moreover, by observing certain rules of art, using his fellows as means to secure his own ends, he may accu-

mulate wealth, power, and fame. Such seem to have been the character and aims of the more refined peoples of antiquity, especially of the Greeks. Their self-culture, looking solely to the beautiful development of the individual man, was very sensitive to the aesthetic elements essential to excellence, while the ethical elements were more lightly esteemed and often disregarded. The tendency was strongly egoistic, seeking the enjoyment of a fair personality, and its secure tenure against infringement. And in modern times such self-culture is widely and highly approved, many moralists making it the basis of their systems.

The supposition of a cultured man in society without natural affection is monstrous. Unlike the solitary, he is a morally responsible person, for conscience in him is actual, the law is upon him, and in his disregard of all save his own interests, he is a law-breaker, thoroughly immoral. Yet, strange to say, he may be a good neighbor and citizen; for, if one selfishly serve his own interest with far-sighted prudence and wide-reaching wisdom, this works out for society very much the same result as if his energies were wholly devoted to thoroughly unselfish, disinterested, loving service. Such is the economical ordering of human affairs. But it does not so work for the man himself. Though far from criminal or even disorderly, though he do not sin with his lips, and though he practice, for his own ends, a large beneficence, yet, without benevolence, he is a whited sepulcher, a hypocrite, a moral monster. More likely, however, the inward corruption breaks forth, poisoning the air and multiplying ills. This has usually been the historical result. These considerations illustrate the fact that men are social beings in the sense of interdependence, not merely for the common needs of pleasurable living, but also for moral development by the exercise of mutual affection, through which alone the dignity of complete manhood is attainable.

§ 90. But in real human life there is not and cannot be thorough seclusion. A solitary is a mere negation, a metaphysical abstraction, a logical ghost. We find ourselves in a world of fellow beings from whom it is impossible to be completely absolved. Even a Selkirk on his desert isle not only remembers his former associations, but contemplates the possibility of a return to the world, and hence is bound to comport himself with reference to it, to care for and cultivate his powers as far as may be in view of that possibility. But should he reasonably despair of a return among men, still he may not neglect his personal dignity, or ever, even under the greatest suffering, take his own life; for he cannot know his future here, and one relation, the chiefest of all, persists. He is bound by indissoluble obligations to his maker, law-giver and judge, whose claims are never released, and whose honor is involved.

Also let it be remarked that the individual owes his existence, as well as the possibility of its continuance and of all moral culture, so much to the human society in which he is ordinarily included, that it is rare to find one so totally depraved as to be entirely destitute of all natural affection. A mother gives birth to her child; therein and thereafter the moral tie binds. No distance of place or time can attenuate it to nothingness, no violence can sever it, even death spares a bond in dutiful memories rendered more precious and sacred by loss. Can a woman forget her sucking child, that she should not have compassion on the son of her womb? Hardly is it possible. Can a son forget the mother who bore him, that he should not have compassion for her pains, her nurture, her watchings, her tender caresses? Hardly, yet perhaps less rare. Shall he not, even in mature years, honor his father and mother with kindly watch-care and grateful memories? Surely, even amid a godless civilization, or even amid a barbarous heathenism, Nature

will enforce in some measure her claims for loving service.

§ 91. If we view each man, then, as an organism of organized organs, these standing to each other and to the whole in a relation of interdependence, and if we observe that he has the power of self-direction and control, it is clear that it is within him to conserve and cultivate his natural powers by regulating their organic relations, and that the bringing of all the corporeal and spiritual powers with which he is endowed by nature into full activity and harmonious coöperation, is the discharge of obligation and the perfection of manhood. But also it is clear that the constitution of the man, apart from his affections, furnishes no ethical element, no basis for an ethical system. His subsidiary powers of body and mind are not persons, and there is no moral element that does not involve a personal relation.

Such relation is necessarily implied in the existence and exercise of affection. There must be a sentient object, one capable of benefit, to whom there is conscious obligation. Herein, and herein only, personality appears; herein, and herein only, moral character has its root and growth. The affections being psychologically and ethically essential to integral manhood, it follows that a man cannot be truly and rightly a man apart from his fellows, and in his relations to them his conscience discerns the moral law demanding the exercise of righteous affections, and claiming recognition as the supreme law of humanity.

There is no need to consider further the individual man. We have noted him as a typical organism, pointing out that, apart from his relations to others, that is, in him alone, there is no ethical element. In the prior part of this treatise the reciprocal relations of man to man, in their ethical aspect, have been discussed at length. True the mere coexistence

of two persons may correctly be construed as an organism, each being for the other and both for the pair; especially exemplified by partners in business, they being formally unified. But to view the simple relation of man to man as an organism would lead to no conclusions other than those already attained, and hence we may now dismiss this simple case also, and proceed to consider more intricate relations.

CHAPTER II

THE FAMILY

§ 92. A study of the simple relation of man to man has enabled us to discover the principles of obligation, with their application in equivalent intercourse. This exposition, however, though fundamental and widely comprehensive, is not exhaustive, and not adequate to the demands of right living. For, in actual life, the relations subsisting among men exhibit many varieties in kind, and those of the same kind many differences in degree; also these relations are subject to many and extreme changes, often amounting to reversal, due to growth, activity, and the ceaseless mutations of intercourse. Now, since all obligations originate in and correspond to present relations, it follows that the special duty of a man to some one on his right hand is rarely quite similar to what is due to some one on his left; also that his duty to either is often quite unlike the duty of that other to him; and further, that his duty to any one to-day frequently differs greatly from what is due to the same one to-morrow. It is needful, therefore, to consider the kinds of relations in which men stand to each other, and their variations, in order to determine the corresponding obligations.

The relations that obtain among men exhibit many varieties chiefly because of differences in social organization; under which general title, therefore, human relations and consequent obligations may be distributed and discussed. The procedure involves the principle that the perfection of natural order, its harmony and stability, require that each member fulfill its office in the several organisms to which it

belongs. This is a natural principle, physical and psychical and ethical, being applicable to the universe considered as an organic whole, as well as to each of its organized members, and specially, as we have just seen, to the microcosm, man. In society at large each one is morally bound to fulfill his functions as a member of the whole, and also as a member of each of those subordinate and constitutive organisms in which he is integrant. A study, then, of the chief constituents of society will bring into view the various kinds and degrees of duty corresponding to these functional relations, whose variations determine the variations of personal obligation under the sole but universal law of loving service. To this study we now proceed.

§ 93. Nature presents in both animals and plants a fundamental fact in sex. This is a primary, inerasable distinction that cuts all higher forms of animated beings, and especially the total of humanity together with every subordinate class of mankind, into two portions, delicately marked by anatomical and physiological variations which extend throughout the body, being discoverable even in the brain. The physical differences are normally attended by mental and moral differences which though less definite are not less deep, permanent and universal. In these differences originate an appetite and an affection which often become passionate, tending on the one hand toward the deepest degradation, and on the other to the highest exaltation. Hence it comes that the relation of the sexes is perhaps the most powerful social factor in every community, both savage and civilized.

Herein the pointing of nature is distinctly to marriage and offspring. It sets apart a pair, a male and female, for each other, their exclusive union being spontaneously guarded by hygienic barriers, and by a prompt jealousy, fierce and fatal. Offspring brings into play strong parental instincts, prompt-

ing protection, provision and nurture until maturity. Thus the family is preëminently a natural institution, which in some important respects takes precedence of all others, and is fundamental in the constitution of society.

§ 94. The ideal family in modern society consists of a mature man and woman, not differing greatly in age, who of their own free will, have entered with civil and ecclesiastical forms, into the marriage bond, are living together as husband and wife, and providing for their yet unemancipated children. Their children are first a son, then a daughter, again a son, then another daughter. The parents, beside each other, have both a son and a daughter, and each child has both a brother and a sister. These exhaust the family relations. To complete this ideal, add a home, giving common shelter, furnishing conveniences, and serving as a local habitation and center of union.

What support this ideal receives from ethical principles will be more clearly seen after a detailed consideration of the several relations involved. But we make at once the obvious remark that it is not often fully realized, because of failure or irregularity in births, intervention of death, or extreme poverty. Still, even in such incomplete families, the relations are generally sufficient for the unfolding of the domestic virtues, the building of character, and the enjoyment of home life.

§ 95. It is evident that a family is an organic union of several persons, as indicated in their common surname, and in the correlative terms husband and wife, parent and child, father or mother and son or daughter, brother and sister; each of these implying the existence of the other. Ethically each member is related to every other, and to the whole, as at once means and end. The existence of relations among

these persons determines that there be corresponding obligations, and the variety of relations determines a variety in the obligations. The particular kind and degree of the obligation of each member, is determined by the special function belonging to that member in maintaining the orderly unity of the organism. Just this much is the duty of each, and no more.

If, however, there be, as there often is, disorder, distraction or failure on the part of some one member, requiring additional and special efforts on the part of the others to restore and maintain order and efficiency, then their duty is enlarged to meet the requisition. An excellent analogy is seen in the physical organism of the individual man. Each of the organs of his body contributes to the healthful action of every other, and all the others contribute to sustain each one. Moreover, when any one is disordered, there is a disturbance more or less general, a sympathetic suffering of all allied organs, and a feverish effort of nature to restore the normal condition.

§ **96.** In the actual case of a man and a woman obeying the beck of nature, and entering into the marriage relation, let the distinct personality of each, and their entire moral equivalence, be granted; then several important truths are logically consequent.

First. In consenting to this union, both parties are to exercise their unbiased free will. Any unwarranted interference, objective or subjective, in the liberty of either is a trespass the more grievous because of its far reaching consequences. It is true that circumstances often warrant or even require a hindering interference, extending perhaps to prohibition, on the part of parents especially, or of friends, or of the State; but it is obvious that, in a matter so extremely delicate, and of such vast importance to those immediately concerned, the warrant should be very clear. Compulsory

marriage, on the other hand, is never warrantable, and is one of the grossest forms of trespass.

Secondly. Actual marriage, or the yielding of each to the other of what is peculiar to the distinct personality, works no detriment to the honor of either party, provided it be accompanied by an entirely voluntary, mutual and unreserved surrender of all the interests of life into the common keeping of both. Thereby the pair, without losing the distinct personality, become a single individual personality. In this fusion, their honor, social standing, property and prospects are rightly held in common by each for the other, by each for both, by both for each. The two are one. Their joint welfare and happiness is an inseparable compound.

Thirdly. In the pair thus unified there should be but one will. A constant endeavor to harmonize opinions, sentiments and desires, wherein a firm adherence to principle is combined with a yielding even in matters of importance, results in a singleness of will that is essential to the perfection of the union. A tie so sacred should never be loosened by willful discord. Custom has established on firm and sufficient grounds that, generally speaking, the control in detail of interests outside the home shall be in the hand of the husband, and those within the home shall be subject to the management of the wife. But, while the decisions of each should be as far as possible in accord with the views and wishes of the other, yet, in case of a permanent difference, the final decision should be left to the one in whose province the matter in question belongs.

Fourthly. The union may not be enlarged by the addition of another partner. Polyandry or polygamy, common among brutes, is inadmissible among persons, it being inconsistent with the moral equivalence of the sexes. If more than one of either sex be bound to one of the other, the plurality is severally deprived of the rank of equal fellowship, and degraded to a thing useful merely as a means.

Fifthly. While it may be doubted whether there be physiological reasons why the marriage of persons of near consanguinity should not be permitted, the ethical reasons are clearly good and sufficient. The marriage of members of the same family would bring about such an admixture of moral relations as to confuse the functions of its members, rendering them perplexing and distracting, and so disordering the harmony of its system. Hence the State, in the interest of the family, and of general society whose moral health is involved with that of the family, prohibits such marriage as incestuous, tending to disturb the normal operation of the family organism, and to check the unfolding of its peculiar beauty and worth.

§ 97. Marriage is indissoluble, except by death or crime. If death sever the bonds, a new marriage of the survivor cannot be prohibited by the State, for civil law is properly concerned with temporal relations only, and so the question of second marriage must be left to the religious convictions of the parties. A formal dissolution of marriage is justified specially by the crime of conjugal infidelity, this being a violation of its peculiar significance and manifest purpose, and itself an actual breaking of the vow.

Legal questions concerning divorce, with permit of new marriage, present many difficulties, especially on plea of cruelty or desertion. But it is clear that a wished-for dissolution cannot rightly be decreed merely because of disease, poverty, misfortune, disappointed expectation, "incompatibility," whatever this may mean, or the dissatisfaction of one or both parties, or even because of wickedness and crime that does not victimize home. None of these can be allowed as sufficient ground for entire divorce, if society would preserve its moral health, so largely dependent on the sanctity of marriage. Relief may be had in extreme cases by a legal

recognition of actual separation, without a severance of the moral bond that forbids a new relation.

§ 98. Persons of full age, and emancipated from parental authority, often do not marry for some years, or perhaps never marry. The social status of such persons is more or less abnormal according as they are more or less absolved from family connection. For the family is the basis of social organization, and since these are now but external appendages to some one, they cannot be accounted more than fractional members of society at large.

Such persons are unhappily at great disadvantage in respect of moral culture. For the conditions of complete development are lacking to those destitute of the familiar objects around which the strongest and best affections of the human soul gather and grow, and whose lack it is not possible fully to compensate by other lines of moral activity. In these other lines, however, exceptional attainments are often made, commanding high respect, and rounding out a useful life.

§ 99. When the family circle is completed by the birth of children, a new and wide field is opened for the cultivation of ethical graces. Moral possibilities, which otherwise are forever latent, become patent. The potential becomes actual, and nature has not planted in vain. No man is ever wholly a man until he is a husband and a father; and, more emphatically, no woman is wholly a woman until she is a wife and mother. A babe is a pledge of love, an additional and powerful tie, a sacred trust, calling out and taxing the moral energies, and making an unlimited demand on loving service. All that is beautiful in human nature blooms under the influence of this fertilizing relation. It is easy to adore the Madonna.

The familiar care and provident rearing of children con-

stantly exercises the domestic virtues, tending directly to the perfection of manhood and womanhood. The responsibility and difficulty are of the gravest. The culture should be dominated by the view that, in the order of nature, the child is destined to moral independence, and to membership in society. In being prepared for this, it has many and very sacred rights. Its parents are bound, as their function in the family organism, to provide for its healthful maintenance suitable to their rank in society, for its education, intellectual, moral and religious, and, in general, for its present and prospective welfare. Great laxity of restraint is likely to be ruinous; but, on the other hand, severe restrictions, a rigid molding of character, opinions, and religious creed, is hardly less to be deprecated as an injurious trespass on the right of the child to generous culture, and the free growth of its individuality.

The office of brothers and sisters in this organic relation is affectionate sympathy, and mutual helpfulness, which should extend throughout life. As sons and daughters they are bound to honor father and mother by a willing and pleased obedience to their rightful authority, and by a prompt readiness to promote their welfare. Also they are bound to guard sedulously the honor of the family name, and to seek actively the advancement of the common interest.

§ 100. This human institution, the family, is preëminently natural, being physically determined. Those born into it are involuntarily and inseparably its members. By its primacy it stands as the unit of society and of the State, without derogation from the distinct personality, moral status and obligation of its individual members. Yet it is a whole. Even when some part or parts are lacking, it is still a unit. It is not a logical whole, a genus, for its parts are not species or kinds of family. It is an integral whole; not col-

lective, as a cluster of grapes, but organic, as a flower whose central organs, stamen and pistil, yield germ and seed, within a corolla. It is an individual, indivisible in itself, and separate from every other.

Less clear perhaps, but not less true, is it that a family is a single personality. The definition of a person is a being conscious of obligation. Now there is a consciousness common to all members of a family, an intelligent apprehension of moral law which is the same in each, a judgment which, under the influence of common interest, is assimilated into one, a pervading sentiment, a united impulse to effectuate a single will. The obligation of some one family as an organic whole to some one man as its benefactor, or to some other family, or to general society, is matter of familiar speech and acknowledgment, and the common consciousness of such obligation constitutes its unique personality, quite distinguishable from the peculiar personality of its several members. To this conception of its distinct personality may be added the possession of family traits in features, manners, customs, habits, and in general, of character, often sharply marked. Moreover, what wounds one member, wounds all; the honor, dignity and welfare of the whole, is in common keeping.

§ **101.** The individual personality of a family as an organized unit, distinct from the personality of its members, is manifest in the significant fact that it claims a life beyond the present generation. Its ancestry extending back for ages is its pride, and its posterity in an indefinite future is its hope. What it has been confers titles of honor, and what it may become excites anxious solicitude. The death of a member breaks in upon its present entirety, but does not interrupt its continuity. Only by sterility and death combined is it extinguished, and this is accounted a special loss to society, a public and private misfortune.

A family of the present generation, inheriting the honor and wealth of the same family in preceding generations, recognizes its moral obligation to maintain and rightly use the trust, thus discharging a sacred debt due the dead. Also it recognizes its moral obligation to the coming generation in provision for its welfare, thus discharging a sacred debt due descendants, including those yet unborn. That one is thus bound to pay debts due the deceased and the unborn, is not fanciful sentiment, nor figurative speech, but real, literal ethics. Current expressions and approved literature recognize in many ways the obligation as especially incumbent on the family, whose individuality and personality extend through generations that come and go, yet perpetuate its organic unity.

§ 102. The foregoing considerations enable us to understand more clearly the ethical principles that regulate the holding and disposing of property.

Property owned by either party at time of marriage, and that acquired afterward, is, by virtue of the marriage, the common property of the family. That either husband or wife should have property at disposal apart from and independently of the other, though often it is so arranged, contradicts the unity of the relation, drawing a line of separation and making a distinction that ought never to exist. Such an arrangement is inconsistent with that entire surrender of all the interests of life into the common keeping which the marriage bond requires; and in so far the marriage is but partial. The reserve implies a distrust that is chilling, and likely to produce a discord that is fatal. It is a withholding trespass.

Evidently, then, the family property should not be largely ventured in trade, or otherwise disposed of, without the free consent of all members, including the children, in whom also

property rights are vested by birth, when they become sufficiently mature to appreciate and rightly judge the interests involved. Yet, be it remembered, that each and all should seek, by a reasonable yielding, to assimilate their views and wishes, thereby attaining a unity of will which thus becomes the will of the family.

Also it is evident that the management of the family property in detail must be left to some one member. This seems naturally to devolve upon the husband and father who, according to the usual and approved order, takes charge of the family interests outside of home, and hence is best acquainted with public affairs. Because property is held and ordinary business transacted in his name, he is apt to regard himself as exclusive and irresponsible owner. This error, pervading society, stands greatly in need of correction.

§ 103. Distribution by testament of the property of a family is, for like reasons, by the hand and in the name of its ostensible head; also for the reason that, preparatory to his decease, when the house band is loosed, and the family disintegrated, there is need of a special and provisory adjustment of property rights by the one to whom their care has been chiefly committed. In any such adjustment the united consensus of all members should be had, so that together with the avoidance of any actual trespass, complaint of wrong may also be forestalled.

Testamentary distribution gives rise to many difficult questions which largely occupy the courts. The fundamental principles involved are, however, sufficiently clear. A producer has a right to use and dispose of his products at will, and this will must be effective beyond his decease, else a great incentive to industry and accumulation would be lost, projects for the benefit of the coming generation would not be devised and driven, and social progress would be hindered,

inasmuch as each generation would have to make a new beginning. But let it be observed that the home management and industry, its provision for rest and refreshment, its cheering influence, its trifling comforts even, are very important elements in the efficiency of the producer, and thereby enter into his product; so that all members of the home circle, but especially the husband and wife, are partners in business, and since they share in the producing, are entitled to share in the production, both in consuming and in disbursing. Beside this, it should be distinctly recognized that all possessions are held and managed as trusts, and their agreed testamentary distribution should be regulated accordingly. The testator is bound to provide suitably for the family, thus discharging his primary obligation as its trustee. A surplus may rightly become matter of bequest to collaterals, to friends, or to the general public, in the founding or endowing hospitals, schools, libraries, and such like benefactions, according to the best judgment of the trustee representing the family in this discharge of its alien obligations.

CHAPTER III

THE COMMUNITY

§ 104. Human beings manifest a strong disposition to gather into groups more or less permanent. In some of these population is massed, as in cities; in others it is more sparse, as in villages, hamlets, neighborhoods. Hence in any inhabited region, it is easy to point out centers of population, though the circumference be quite indefinite. Besides the gregarious instinct of the human animal, there are many rational determinants of this tendency, both economical and ethical. Every one owes his existence to progenitors and also is indebted for its continuance, for all physical means, conveniences and comforts of living, for all intellectual and moral culture, so entirely to association, more or less intimate, with his fellows, that all the interests of life, his whole welfare, is bound up with them. Strict independence is a practical impossibility.

A group of people thus specially related by living in proximity is a community. This is not merely a collection but a body of people; for the necessities of its members which draw them together determine at once an organic constitution. Each member contributes more or less directly to the welfare of every other, and to the welfare of the whole, in which welfare he participates. The variations of function are determined by the pressure of various needs, and by the fitness of various abilities to meet them. There is a tacit consensus in the distribution of these functions; but since there is no formal and definite enactment of a constitution, the community is often spoken of as unorganized society; whereas,

though not formally, yet it is essentially an organism, necessitated by the interdependence of its members.

§ **105.** Recur to the primary ethical principle that every one has a right to gratify his normal desires, and to this, beside, that it is his obligation not merely passively to allow their impulse, but actively to seek their gratification, and it is manifest that the fulfillment of obligation is impracticable apart from society. For, no class of normal desires can properly be gratified without reference to associates; but especially the affections, which are conditioned on the presentation of sentient objects, can have no exercise in solitary life. In such life the chiefest, indeed the sole function of humanity is perverted and comes to naught. Mankind is a brotherhood, and it is only by close fraternization, only by being a man among men, that it is possible to be wholly a man. Whoever lives his life in its natural and rightful fullness is a constant recipient from his fellows of the necessary means, for which he is dependent on them, and therefore is constantly incurring an indebtedness which requires a constant reciprocal activity to repay.

These considerations forbid an ascetic life, which, under the guise of righteous self-denial, renounces invigorating enjoyment, and thus leads to such an impoverishment of spiritual power that its dues go unpaid. Nor can the life of a recluse be approved, which seeks self-sufficiency in solitude and retired contemplation, or an escape from thronging ills by a timid retreat into privacy, idle ease, and indifference to the common welfare. Likewise we must condemn the life of a reserved student who, enamored of truth, withdraws from familiar intercourse, and in the scholarly seclusion of his library seeks to accumulate knowledge with no intent or thought of sharing it, and thereby promoting the well-being even of his compeers. These several forms of social seques-

tration can be approved only when they are temporary, and for the purpose of recuperation and preparation for better service in subsequent life. Thus only can they be acquitted of selfishness, and accepted as transient phases of that active life of practical benevolence which alone develops the moral dignity of true manhood.

§ 106. The reciprocal obligations of the members of a community are recognized in a code of social intercourse, an unwritten common law, which prevails throughout and regulates communication. This law, like the unwritten Common Law of the courts, is a detail of rights and duties. Both systems originated in the exigencies of popular intercourse, and by degrees have been fully developed; and both are but variations, explications and applications of the law of trespass.

The conventions of society are known as the rules of good breeding and good manners. They require comity, a proper consideration and respect for the minor rights of each other, a delicate regard for one another's wishes, feelings and peculiarities, a prompt attention to wants, their serviceable anticipation, a complaisant readiness in assistance; this is politeness. In the denser portions of a community there is constant call for its exercise, so that people, even those of otherwise indifferent culture, become by attrition polished, that is, polite; they are civil, and the higher ranks are courteous or courtly in address. To this must be added the special code of social etiquette observed in refined circles, which descends to minutiæ, and is so rigid in its required decorum that an infraction of it is sometimes less readily condoned than vice. All such conventionalities arise from the union or consolidation of interests and responsibilities, and betoken the solidarity of the community.

§ 107. A prime condition of the wholesomeness of a community is the truthfulness of its members. The obligation

to be truthful in both word and deed is clear. Every one has a right to certain services from his fellow man, and a usually just and sometimes very important claim is for an opinion, judgment, information, direction, advice, sympathy. If these be reserved when due, it is a trespass, a restriction of a rightful liberty to use and profit by them. Still greater is the trespass, if they be misstated, thereby misinforming and misleading the recipient, for then his trust is violated, his confidence outraged. If the claim be allowed, the expression by word or deed must be true to the thought.

But the claim is not always just, not always to be allowed. We are not always bound to speak; often it is right and wise to be silent. Nor, if we speak, are we always bound to tell the whole truth; in which case the extent of the reserve is matter for conscientious judgment, having care not to mislead by the partial statement. This right of private reserve is superseded by the courts in the interest of society, and the witness required to tell the whole truth without reserve.

Whether deceit in any form is ever justifiable is a question that has been discussed for centuries, and is still unsettled. On the one hand it is affirmed that deceit is in its very nature irreconcilable with the eternal principles of right and justice; and on the other hand it is asserted that certain emergencies may justify a departure from ordinary rules of conduct, and render deceit not only justifiable but obligatory. This question of the ages is not to be answered in a few words. We must be content here with saying: first, that a lie is never justifiable; secondly, that not every deception is to be accounted a lie, *e.g.*, the myth of Santa Claus; and thirdly, if the definition of a deception be allowed wider scope than the definition of a lie, yet is a deception so rarely right and duty that every one should practice habitual truthfulness, deviating from it with great hesitation, and only when the justification is beyond all question.

§ 108. The general obligation to be truthful takes a number of specific forms. Beside this duty in the commonplace talking of familiar intercourse, we place the formal tie of a promise, written, oral, or indirectly implied in mere behavior. The obligation in such case is strengthened by the fact that the promisee, in reliance on the faithfulness of the promiser, may in his life conduct order important matters with reference to the promise, and suffer injury or even disaster should it fail. A promise given under an essential misunderstanding, or, since we cannot accurately forecast the future, in case the duty of its observance is superseded by some higher unforeseen duty with which it is radically inconsistent, is null. This does not endorse the loose aphorism that a bad promise is better broken than kept; for, if its badness work merely the private personal injury of the promiser, unless ruinous in an intolerable extreme, he is not thereby discharged of the obligation. We commend him that sweareth to his own hurt, and changeth not. A promise made under compulsion cannot be claimed by the promisee, yet it measurably binds the promiser because of respect for his word. In no case, however, is a promise obligatory if the fulfillment be criminal, for it can never be duty to commit crime.

A contract or covenant differs from a simple promise in that it implies an exchange of services, and reciprocal obligation. It is usually under the protection of special statute, an outcome of the moral element, of that mutual trust which is the basis of social order. Contracts are of endless variety, and affect nearly every detail of private and public life; and if their binding character were not fully recognized there would be no security in affairs. A deception practiced by either party in making a contract invalidates it; but both parties must abide the consequences of carelessness, thoughtlessness, or stupidity.

Common honesty in trade, and in business dealings gener-

ally, is another form of truthfulness. Exchange of services, of goods, and of other forms of property, has the advantage of being estimated numerically in the medium of exchange, money, which gives exactness to the mutual obligation, and sharply expresses its violation. The interests involved in such transactions are so widely interlaced that fraud excites general indignation and reprobation. There is hardly any form of trespass that incurs such deep and lasting disgrace as dishonesty.

§ **109.** The membership of an organized community does not consist in merely so many men, women and children, standing singly as discrete elements coalescing into a concrete body. A strong tendency to such individualism has marked the nineteenth century, in France, in England, and even more positively in the United States. It cries out for liberty, equality, fraternity, and demands that creed, race, and even sex shall be ignored on the forum, at the polls, and in the schools. Now, while each individual man and woman is a distinguishable member of society, it should be observed, in opposition to individualism, that each is primarily a member of a family whereby he or she is socialized, that the family is properly the organized and organizing unit of society, and that a community consists fundamentally of associated families. This incidentally appears in the fact that the social standing of the individual is in general determined by that of his family, above which it is difficult to rise, and below which one rarely falls. The question, What is he? asks after his vocation; but, Who is he? asks after his family.

A variety of minor organizations are usually formed by voluntary association, which also are integrant members; as, social or literary clubs, and benevolent societies. Beside these are business firms of two or more members, stock com-

panies, coöperative associations, and guilds or trade-unions. Such combinations for more effective achievement are often legally incorporated, and usually have a contract or articles of agreement, or a written organic law or constitution, stating the ends they seek and the means, and defining the functions of members and officers as duties; the variations in duty arising from a specializing of functions so as to constitute an efficient coöperative whole. A special class of subordinate organisms is seen in the schools, which also usually have a formal constitution and laws defining the duties of members, official and unofficial. They are instituted specially to meet the debt due the next generation, are essential to the perpetuity rather than to the maintenance of society, and form a bond, a historical enchainment, between its present and its future.

Each of the foregoing minor organizations is itself a member of the community, having, as already said of the family, an individual personality distinguishable from the individual personality of its components. Moreover, although the bounds of any single community be ill defined, still communities are recognized as more or less distinct from one another. Now each of these as an organic whole has not only obligations to its various members, but also to neighboring communities with which it is in communication. Thus the community as a whole is an individual, a personality, with a conscience, and a moral judgment in the consensus of its members, which passes upon its own character and conduct, upon that of its several members, and upon that of affiliated communities.

§ 110. The organic nature of a community distributing various functions or offices and consequent duties among its members, is clearly seen in its division of labor. The necessities of life necessitate labor, but no one by his own labor

alone can surely supply even these, much less can he produce the many requisites to comfortable living. The civilized man has many desires or wants that have become so habitual as to be classed as necessaries. For the full gratification of these he is dependent on the productive labor of his fellows. Hence the pressure of such wants molds the community into an organism, in which each works for every other, and they for him; also he labors for the welfare of the whole, and the end of the whole is the welfare of each. Thus a simple community will comprise a shoemaker, a tailor, a carpenter, a blacksmith, a shopkeeper, a printer, a doctor, a lawyer, a schoolmaster, and a curate. These exchange services or products, and a variety of duties is a consequence of the organization.

A discussion of division of labor is not proper to a treatise on Ethics, but belongs rather to the theory of Economics. It is appropriate, however, to observe that, in addition to its economical advantage, it has the moral advantage of giving rise to the common virtues of honesty, industry, and respect for order, and to a sense of personal responsibility, the responsibility of each worker to his fellows and to the community at large. Besides, it originates the conception of a vocation, a calling, and establishes each worker in a position, changed from a mere man into a member, whereby he is no longer just like all others, but assumes a place and mark specially his own. Extreme division of labor, however, depresses the intellectual status of the laborer, narrows his spiritual horizon, and assimilates his activity to that of an automatic mechanism.

The distribution of functions brings about social classification. Mere laborers are distinguished from farmers and mechanics, and these from skilled artisans, and these again from artists and the professional class whose work is mostly intellectual. Greater honor always attaches to the finer, and

less to the coarser kinds of labor. This has the wholesome effect of inducing effort to rise into what is accounted a higher social rank, and is thus a powerful stimulus to civilization. But here also an abatement must be made. Classes strongly marked tend to become castes, in which form their wholesome effect disappears, ambitious effort is paralyzed, improvement discouraged, and civilization restrained.

§ 111. In a prosperous community, one whose wealth in general is increasing, capital or the wealth destined to reproductive consumption tends to accumulate in the hands of those more intelligently industrious, and thereby a special class is formed, the capitalists. These are marked off from the wage-earners whom they employ in their large and enlarging industrial enterprises. Now the economical advantages of large capital engaged in extensive and systematic industry are obvious, yet just because of the greater uniformity, abundance and cheapness of its products, the ability of the small free crafts to subsist is curtailed, which reduces the larger portion of the community to the position of wage-earners under the mastership of the capitalists, on whom their livelihood depends. The evils of this division of society, and of this enforced relation, have become familiar in what are known as labor troubles. The grasping selfishness of moneyed power induces oppression; and the sense of injustice, and the dissatisfaction with the unequal distribution of the amenities of life, induce violent revolt.

Certain remedial schemes, under the generic name of socialism, have attained notoriety and many advocates. They propose a reorganization of society, giving it a more definite and compact solidarity. In general, they would abolish competition in labor, wages, and particular or private ownership of property, especially of land; substituting work under the stimulus of public spirit, an equal distribution of products,

and a common ownership and disposition of all fixed property by closely organized society. A still more radical scheme of reorganization, called communism, proposes to abolish also the family, substituting for domestic relations and the government of parental authority, temporary unions, and a communistic care for the nurture and education of offspring. Attempts to maintain such schemes in practical operation have hitherto failed.

A discussion of socialism as to its economical value, and even as to its ethical worth, must be passed by with the general remark that the evils of society as actually constituted arise, not from contrived injustice, but from a lack of moral equipoise. In the ideal community, which moral culture seeks to attain, there would be no tolerated trespass upon the rights of even the humblest member; and in the absence of just cause of revolt, all would be content in the station determined by merit, by the relative value of services. Until this Utopia be realized, a more intelligent apprehension of the inseparable interests of capital and labor would conduce to greater harmony, to mutual respect, and to a wider recognition of reciprocal rights. Meantime, remedy against oppression by either party should be sought, not in turbulence and disorder, but in appeal to that which is set for the guardianship of rights, to the strong arm of the State.

CHAPTER IV

THE STATE

§ 112. It is essential to any widely associated life of men that there should be definite and effective provision for the protection of rights. For in every community evil-doers, or at least doers disposed to trespass, are so many, active and strong, that its several members are not competent, without combination, to maintain intact their rightful liberties. Moreover, certain important interests of the total community are best served by concerted action, indeed many cannot otherwise be served. To attain these two general ends, the safeguard of rights and the advancement of the common weal, the one protecting, the other promoting, is the purpose of the State.

The established State occupies a definite territory. It embraces several, perhaps many distinguishable communities, usually of one race and language, having common manners, customs and traditions. It consists primarily of the whole body of people, the body politic, including all officers of government; but the term is often, secondarily, limited to the official class, the sovereign body having supreme power held in trust for the common weal, which class, however, is more properly termed the government.

It is not within the scope of this treatise to discuss the relative merits of different forms of state government, nor to trace the historical evolution of the State through the abuses, turmoils, and civil wars which, because of the imperfect or erroneous views and the selfish ambition of statesmen and

rulers, have embarrassed its development. We shall attempt no more than to sketch the essential features of its constitution, and to indicate its exclusively ethical basis, its thorough-going ethical character, and the varieties of moral obligation imposed on its members by its specific and peculiar organization.

§ 113. Governments are distinguished as monarchic, aristocratic or republican, and democratic. Some combine elements of each of these principal forms; as, Great Britain. No exclusive preference can be given to any one form. That is best which best accords with the historical traditions and habits of its subjects, is suitable to their grade of intellectual and ethical culture, and is administered in the interest of the public rather than of the rulers.

Every well-ordered State, whatever be its form of government, has essentially a Constitution, unwritten or written, positively decreed, and loyally observed by its officials and citizens. The Constitution is the fundamental organic law, organizing the body politic. It has three essential features arising from the very nature of the State, the legislative, the judicial, the executive. The functions of the three are sometimes embodied in one person; as, an absolute monarch. In many cases they are irregularly distributed to a number of persons; but the historical trend is clearly to separate them as distinct departments intrusted to a distinct personnel; as, in each of the States of our Union, and in the Federal whole.

The function of the Legislature is to enact statutory laws within the limits and in pursuance of the organic law, the Constitution. As a necessary corollary it has authority to affix penalties to these laws to insure their observance, and power to lay and collect taxes for the support of the government, and for the execution of its measures.

The function of the Judiciary is to sit in judgment on the

constitutionality of the legislated statutes, to interpret their application, to sanction and decree the penalty for violation. When not otherwise directed by statute, the inferior courts proceed in accord either with the Roman or Civil Law, as in the States of continental Europe, or with the English Common Law, which has been adopted as the basis of jural rights in the United States.

The function of the Executive is to enforce the laws and carry out the measures enacted by the Legislature. The execution of laws respecting crime, and of those respecting property rights, is intrusted to the inferior courts with their police and prison auxiliaries, backed by the superior courts, and by the chief executive, be he governor, or president, or king. Measures for the public weal, as the coinage of money, the care and disbursement of the public funds, the system of public education, the postal system, the improvement of harbors and waterways, the making of treaties, and many others, are carried into effect by this branch of the government. Also the chief executive is commander in chief of the army and navy, wherewith to insure domestic tranquillity, and the common defense against foreign aggression, invasion, or other form of trespass.

§ 114. Now be it observed that the State is a complete, authoritative and powerful organization. Its foundation is on human rights, its superstructure is a fortress against trespass, a lodgment of justice, an abode of public duty and patriotic service. The structure is not new; for the human race, so long as it has existed, has been busied in building, remodeling, repairing, improving, and maintaining in different forms, through all the vicissitudes of history, this eminently ethical institution.

Recalling the definition of an organism, that each member is at once means and end for every other, and the whole for

each and each for the whole, we observe: first, that each citizen in his action as such, as in voting, or paying a tax, or serving on a jury or in the army, and likewise each officer of any department in exercising his special function, is thereby expending energy as a means for the profit, directly or remotely, of every other individual member of the State; secondly, that in so far as each member is profited thereby, he is an end; thirdly, that the whole as a systematized means finds its end in guarding and promoting the liberty, privileges, rights and property of each individual member separately taken; and fourthly, that it is the function of each officer and citizen to become a means whereby to maintain the integrity and efficiency of the State in all its departments as an end. In ancient times this last relation was emphasized, the people are for the State; as in the Roman Constitution, and in the Spartan Constitution so greatly admired by Aristotle. In modern times the reverse relation is emphasized, the State is for the people; as in the Virginia Bill of Rights, which has been generally accepted as their *Magna Charta* by the United States. The right relation, however, between the governing and the governed is one of constant reciprocity. The mutual obligations are dissimilar, but in delicate and admirable equipoise.

Moreover, in observing that the ends in every view are the preventing of trespass and the promoting of welfare, it is evident that the *raison d'être* of the organization, and its informing element is strictly ethical. It would be easy to treat in detail of the duties of citizens to the State, and of the duties of the State to citizens, showing them to be strictly and exclusively moral obligations of high order, all coming under the law of trespass as prohibitions or as requisitions; and it is well worth repeating that all laws of civil government are amplifications and specifications of the law of trespass. The Legislature originates no law abso-

lutely. Having discovered certain rights unguarded or in abeyance, it is obligated to enact specific laws to meet the specific cases; and these laws derive their authority ultimately, not from the enacting body, nor from the whole people whom it represents, but from the fundamental imperative principle of right and justice, the moral law.

§ 115. Mention has already been made of the strong tendency in recent days to individualism, of the disposition to lay stress upon the individual personality of each man and woman, slighting the unity of society in favor of its disparate plurality. It is evidently a reaction against the centralizing tendency of former times, which regarded the State as comprised in one man, or in one set of men, and all others as fused to a mass whose sole relation to the state was subservience. Both views are exaggerations, between which lies the truth. Both violate the organic character of the State, the latter excessively integrating, the former disintegrating.

Against individualism we point out that the State is not an aggregate of men and women, nor are individual men and women its originating units. The unit of the State is the family. As a city is composed of houses, so is a State of homes. The representative head of a family judges and acts for it in uniting with others to organize, or in the far more usual case, to conduct the affairs of the already organized State. To him alone is properly committed the right of suffrage, as the one best capable of guarding and promoting all interests outside the domestic sphere. It has been wisely said that the two pillars upon which the whole structure of the State reposes, are the sanctity of the family relations and of the judicial oath. Should a blind Samson bow himself on these, the whole edifice would fall with disaster to ruins.

The State is thus constituted primarily of a congeries of families organized into the larger whole. But beside these are many other organizations holding membership in the State, to whom protection is due; as, business firms, stock companies, and corporations generally, including incorporated towns and cities. These are endowed by the State with large powers, and thus become subordinate municipalities, each *imperium in imperio*. Also each department of the State, and each of its subdivisions, as a court, an army, is itself a subsidiary organism.

§ 116. The State as an organized whole, while distinguished by special characteristics, has features resembling those of its elementary and subsidiary members. It is logically indivisible in itself, an individual. Its subdivisions are not kinds, but departments, into which it is logically severed. As a self-subsisting individual, it has a life whose beginning is sometimes out of sight in remote antiquity, as that of Greece; and whose continuity does not depend on that of its several members. We are born into it, we live within it, we die out from it; we are but its transient accidents. A man looks forward to his end, and makes provision for it by testament; a State, looking forward with expectation of indefinite continuity, makes no provision for an end.

Moreover, a State is a personality. It has an intelligence and a culture of its own, and it has a will of its own. Also it has a conscience of its own. Often it incurs debt, and with unconstrained honesty meets its obligation. If it fail, it is dishonored and disgraced before the world, and causes guilty shame in every citizen, though he himself be blameless. Sometimes States commit crime as States, and are punished by other States, or by ordinary providence. Usually they are very jealous of national honor, and an offense arouses national indignation.

Also this distinct individual personality is manifest in the familiar recognition of national calamities, national prosperity, national blessing, and national thanksgiving; all these being clearly distinguished from what befalls this and that man, or this and that family. Withal there is a national character, as seen by contrast of the English, French, and Spanish peoples, more or less common to the individual citizens, but attributed to the nationality rather than to the man. It is only in a clear recognition of the distinct and unique personality of the State that a full and correct conception can be had of civic interest, of common welfare, and of public obligation.

§ 117. Let us here give a passing glance at the great variety of duties devolving upon a man because of his membership in a variety of organizations, each involving a special class or series of obligations. First as a member of a family, whose name he bears, he has peculiar obligations to each of the other members and to the whole. Then as a member of polite society, as a business man in the market, on change or in professional relations, as one of a club, or company, or association, or church, he enters into many varied relations; and, since obligation is founded on relation, these many varied relations determine, not only a multiplication but also a diversity, in kind and degree, of obligations. No man comprehends life until he is made to see by how many organic filaments he is bound to his fellows; how utterly impossible it is for him to separate his interests and his fortunes from theirs; in how many ways the welfare of those who are round about him depends upon the working, in due manner and measure, of that part of the organism which he occupies.

With membership in the State, whether as a citizen simply or as an official also, arises another distinct series of obligations, often of a very exacting and absorbing character.

Upon the sincere discharge of these by rulers and subjects depend the health and strength, the wholesome welfare, of the body politic. No merely perfunctory conduct, no display of avowed patriotism, can replace genuine civic virtue. It is sorrowful to observe that public duties are ordinarily performed from dread of penalty or hope of reward, or perhaps from the higher motive of respect for the law. But in extraordinary junctures, in crises, in war, the service rendered, even when enforced, is often loving service, the compulsory is lost in the voluntary, and the dormant good-will of the people arouses to free and devoted exercise. This loving service of the State is the noble affection of true patriotism.

§ **118.** What is the justification of legal punishment? What is the ground on which rests the acknowledged right of society organized as a State to deprive a member offending against its laws of his property, his liberty, his life? What is the warrant? This grave question has been variously answered. It is the right of the stronger, the combined force of many against one, the right of might, say some. It is the right of vengeance, of revenge for injury, transferred from the sufferer to the more capable and effective State, say others. Yet others say, in lofty words, the dignity and authority of the law must be vindicated; the broken law must have its integrity restored, must be made whole again, rendered holy, sanctified, reconsecrated in the eyes of all before whom it has been violated, and this is the end of penalty. Let us seek firmer ground, some more rational justification.

At the beginning of this treatise it was pointed out as a familiar fact in history that men are exceedingly tenacious of their rights, defending their claims with great pertinacity. This is obviously the ultimate explanation of most quarrels

between individual men, of suits and prosecutions before the courts, of contests between states or nations leading to internecine wars. Evidently by the common judgment of men every one has a right to defend a right.

This judgment is clearly correct. For, if we once more fix discriminating attention on the primary, necessary, and universal notion of a right, we discern, implied in its exclusive ownership, this addendum to the original conception, a right to defend a right. Whatever possession is truly my own, I may retain and use, I may protect it from all damage, especially from trespass, I have a right, indeed am bound, to defend it against all comers. Evidently the right and obligation to defend my right is an essential implication in the demand for maintenance of moral order. Again, of my possessions I am steward and guardian, they are trusts. A neglect to conserve and defend, within limits, a trust, is an indirect trespass upon all who have a claim upon me for its keeping and using. An attempted or threatened trespass upon my life, liberty or property, is to be resisted, else I myself become a trespasser. Thus defense is not a mere contingent privilege, but a necessary obligation.

Further, the obligation to defend a right implies a reciprocal loss of right in the aggressor. By becoming a trespasser he forfeits in some corresponding degree his right to liberty, in extreme cases even to life. One attempting assassination, or arson, or burglary, is killed, if this be the only preventive means, by his intended victim, with regret, with sorrow indeed, but without compunction. In the right of defense lies the warrant for interference in the liberty of a trespasser, which interference is not, therefore, itself a trespass.

§ 119. In an unrestrained intercourse of men, with their various abilities physical and mental, and with the varied opportunities afforded by wealth and station, the stronger

trespass upon the weaker. An oppressor may perhaps console himself with the brute maxim that might makes right, but the oppressed is not thereby relieved and quieted. Besides, impelled by selfish interests, men combine in couples, or squads, or large bands, and thus accumulate force to overcome the weaker. To inhibit such predicament society is organized into a State, constituted by a combining majority; which organization is not oppressive but rather protective of the minority, the organic law becoming its shield, a defensive weapon, against popular caprice. The body politic employs agents, empowered by general consensus, to frame, apply and enforce particular laws in accord with the general purpose.

To accomplish the chief end of its existence, the protection of its subjects in their rightful liberty, the government must, as far as practicable, defend, both at large and in detail, the original and acquired rights of individual men, of trade firms, of legalized corporations, of all subordinate combinations of its citizens for legitimate purposes; the right of private defense being transferred, except in emergency, to the more potent and equable agency. In order to fulfill this great trust, the government must defend itself. Its officers must be protected in the discharge of their legitimate functions against violence or intimidation. It must prevent the high crimes of regicide and treason, must resist the insurrection of a disaffected minority, or the aggression of a foreign power. As an individual personality it is bound to preserve its integrity and efficiency by vigorous self-defense. It is clear that a State, as a faithful trustee, is bound, first, to preserve its own existence, and secondly, to restrain, to resist, and, if need be, to destroy whatsoever and whomsoever assails its authority or attacks the interests committed to its charge. Self-preservation, and the preservation of all that is intrusted to it, are moral obligations of every State.

§ 120. Therein is the ultimate ground that justifies legal punishment. It is discovered in the obligation to exert protective defense of rights. All legal penalties are set for the defense of rights. They inflict pain on the law-breaker, are a painful interference in his liberty, warranted by the principle of defense. They deter him from repetition of the offense, and they deter observers from like misconduct, thus defending the rights involved. Practically imperfect as it is, no other means is known by which to effect defense against offense, except this of inflicting pain on offenders in proportion to the gravity of their misdeeds. The punishment, as to kind and degree, is determined by what is past and cannot be reinstated; its purpose is to determine what is future, and is deterrent, preventive of further or like trespass. Thus the sufficient, rational, and only righteous ground of legal penalty is the protective defense of rights.

The principle applies to the divine government of the world. The natural sanctions of universal moral law are the typical antecedents of the artificial sanctions of civil law, and go far in an explanation of the righteousness of pain. The sovereign Deity has rights on which men trespass as well as on the rights of his subjects. He defends these and his authority by the appointed natural pains attending disorder, and by special penalties affixed to special offenses. Sin is essentially trespass on Deity, and the punishment of sin is self-defense, and the defense of all under his protection. To have any other gods before him is high treason.

Deterrent defense is disciplinary. This gives title to houses of correction or reformatories set especially for reclaiming youthful offenders, and to penitentiaries where felons do penance, rendering them penitent, leading to reformation. So imprisonment generally, and also fines are disciplinary, not only of the offender, but of the observer, and even capital punishment has this salutary effect on society. Thus the

law is a schoolmaster, a pedagogue, leading to higher life. But this, with the State, is not its original, nor its avowed, nor indeed its ultimate purpose, but is an accessory. The State is not an educational, but a protective institution, and reformation is not the end, but a means of preventing trespass. Its enacted sanctions, among which are no rewards, are not incentive, but deterrent. Indeed, in the last analysis, any and every warranted interference in liberty is a defense against trespass, or, no interference in a person's liberty has ever a warrant save in defense against trespass. In the domestic sphere parents punish to chasten. Chastisement is punishment intended to benefit the sufferer. It is often and rightly inflicted with no wider or further view; but this whip of love means more, and the chastening has its only complete justification in forestalling the trespasses of perhaps a remote future. Our Father, in the abundance of his love, chastens his children, not only that the erring may turn and live, but more largely that all who might suffer from the persisting error may be spared the harm, and loss, and sorrow.

§ 121. The right of a government to suppress mob turbulence or riots of any kind, is obviously the right and duty to defend domestic tranquillity; and to quell an insurrection against magisterial authority, is clearly to exercise the right and duty of self-defense. The inverse right of revolution has the same basis. The ends of the State being the defense of rights and the promotion of the common welfare, "when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal." Evidently, if a government be continuously oppressive to the body of the people, their original and sacred right of self-defense justifies them in subverting it, and substituting one that promises better things.

War has no other justification. A war of conquest is plainly the crimes of murder, arson, robbery, and the rest of the foul catalogue, many times multiplied. On the other hand, a defensive war, provided all other honorable means of rectification have failed, is thoroughly righteous. That a State repel *vi et armis* the encroachment, the aggression, the trespass of another, is a moral obligation of highest order. A brave and conscientious people, possessing civic rights inherited to be fostered and transmitted, maintains them, even against overwhelming numbers and resources, and does not surrender, but dies in defending its trusts, warring until resistance becomes madness. Defense may fire the first gun, may invade the enemy's territory, may sweep his commerce from the sea, thus to conquer immunity and peace; but, to be justified, all proceedings must originally and continuously be intentional and essential defense. This is so clearly recognized by civilized States in modern times that, whenever war between them occurs, each party loudly claims to be acting on the defensive, thus seeking to justify its action in its own eyes, and in the eyes of the rest of mankind.

§ 122. Geographic, climatic, and other conditions determine that there shall be many States. Differences of race, language, religion, tradition, the genius and general culture of the people, further determine different forms of government, as monarchies, republics, democracies. These, the world over, have both common and conflicting interests, and are otherwise more or less intimately related. Their relations are adjusted by resident ambassadors and consuls, and by occasional diplomatic correspondence, forming and performing treaties of commerce, and of alliance, fixing boundaries, and regulating minor matters. The trend of civilization has long been towards a brotherhood of peoples, and the enterprise of the nineteenth century has so vastly increased the

facilities of intercommunication, by multiplying roads of rapid transit, by tunneling Alpine barriers, by devising a swift and safe crossing of seas, by weaving over the globe a network of electric wires and submarine cables, that civic isolation has now almost entirely disappeared, and the nations are fusing and welding together. This intimate intercourse and manifold relation is subject to the one universal moral law of trespass not. There is no other obligation in all the comity of nations.

The increasing intimacy of these civic relations brings clearly into view the organic unity of mankind, and suggests the conception of a universal State, whose mighty function shall be to secure international justice without war. This ideal is becoming in a measure realized. "Its realization," says Dr. Seelye, "does not require, indeed, in the actual condition of men, would not permit that all particular States should lose their individuality of government or institutions, and be merged in what might be deemed the visible embodiment of the one universal State. The universal State has no visible embodiment. Yet it is not thereby without reality or power. In our modern world nothing has shown itself more real or potent. What we call international law, or the law of nations, unknown except in the vaguest, faintest way in ancient times, is recognized in our day as a sovereignty in human affairs, equally majestic and mighty. It has no visible throne; it does not utter itself through the voice of a monarch, or the votes of a legislature or people; it has no courts to expound, nor any fleets or armies to enforce its dictates; but it guides kings, and legislatures, and peoples, and courts, and fleets, and armies in our times, with an authority whose manifestation of power is steadily increasing. There is nothing so characteristic of modern politics as the sway which international law, a development of the one moral law, is continually gaining among existing nations. There is no

other point in which the politics of the present day are so clearly distinct from those of the ancient world. But international law is nothing other than the voice of the one universal State. It is the State in the highest exhibition of it yet given in history." The State thus organizing is a whole, is one and indivisible, uniting through itself more and more manifestly its constituent organizations, without effacing their distinct individuality, and presenting to the vision of political philosophy a world of united States.

CHAPTER V

THE CHURCH

§ 123. Religion, in its widest sense, viewed subjectively, is belief in presiding, superhuman, spiritual power, earnest enough to influence moral character and conduct; viewed objectively it is a body of doctrine relative to such power, instructing and regulating its votaries. Religion is of two kinds, natural and revealed; the former relying for its belief and doctrine on reason alone; the latter claiming to have in addition information communicated by the higher power.

The negative member of this dichotomy is natural religion. Under scientific treatment it is entitled natural theology. It proceeds independently of historical, racial and local influences, discarding the dogmas of tradition, authority and custom, and upon rational grounds investigates the evidence furnished by nature of the reality and character of a higher power. More particularly, it seeks proof of the existence of God, his unity and personality, the kind and degree of his attributes, his will concerning us, the distinction between right and wrong, good and evil, our relation and obligation to him, and our destiny both here and hereafter.

Revealed religions, which Diderot calls the heresies of natural religion, seek in general to impose their systems far less by reason than by persuasion with appeal to emotion and passion. Historically they have been largely characterized by superstition or extreme reverence and fear of what is unknown or mysterious, and by fanaticism or ignorant, irra-

tional worship of deities, with excessive rigor in opinions and practice. Witness the prevailing Asiatic and African cults. Christianity, however, is a revealed religion claiming to be in entire accord with natural religion, to be at its basis strictly rational, and to demand no more of its adherents than a reasonable faith in its transcendent doctrine.

§ 124. It has already been pointed out that a theory of Ethics to be complete as to its system must include the recognition of a personal God, and of man's relation to him, and consequent obligation to render him loving service. This does not mean that there may not be practical morality even of very high grade in the various relations among men, without religion, without any acknowledgment of God; but it means that a scheme of morality without God is necessarily incomplete, has no ultimate support, no philosophic unity, and cannot be expanded into a scientifically systematized theory. Herein it appears that natural religion is the capstone, or rather the keystone, of Ethics.

Oriental scholars testify that Confucianism is simply and solely a body of inconsistent, ill assorted and often erroneous ethical doctrines, that Buddhism, the confession of one-third of the human race, is little else, and that both are distinctly atheistic. Hinduism is pantheism, and pantheism, whether taught by the Brahman or by the god-intoxicated Spinoza, or by the haughty Hegelian, is merely a refined and enlarged, a generalized feticism. It denies the intelligence and freedom, the personality of its god. Now, since ethics with its complement religion is grounded in and arises from relations among persons, an impersonal being can have no part therein. Man cannot trespass on the world of nature, on the mountains, the continents, the ocean, or the stars, but only on him who intelligently and freely produced them, and to whom therefore they belong. The impersonal, so-called god

of the pantheist is not at all the God of the ethical and religious philosopher. Pantheism is essentially atheism.

The mythical polytheistic cult of the ancient Greeks, in form adopted by the skeptical Romans, and by them diffused over the Empire, was doubtless originally a deified personification of natural objects and forces, and an apotheosis of heroes. It was replaced in the philosophic thought of Anaxagoras and of his successors by a strict monotheism, shining forth clearly in the famous hymn of Cleanthes. Thus unaided philosophy early reached and taught esoterically a remarkably pure natural religion, which, though it seems not to have taken practical form, nevertheless gave to the ethics of the Stoics a coherence, a consistency, an ultimatum and completeness that secured its permanence and general acceptance even to this day.

All religions, and even atheistic cults, come within the scope of Ethics. We have already seen that a man is responsible for his beliefs. Every belief relating to conduct, be its subject true or false, carries with it obligations, duties; for every one is bound, whatever be its error, to conform his conduct to the results of his moral judgment, or, as it is commonly expressed, is bound to obey his conscience. In religion it is not otherwise. Ethical principles prevail within the shrine. They are immutable and all pervading. They are the ground not only from which natural religion arises, but on which revealed religion descending must take its stand to find a firm support.

Shall an exception be made in favor of Christianity? Not at all. Christianity is preëminently ethical. Indeed in a philosophic view its great strength lies in the exact conformity of its teaching to the universal and eternal ethical principles which it enlightens, widens, exalts and refines. It came not to destroy but to fulfill the law more enduring than heaven and earth. The Sermon on the Mount speaks of the

Kingdom of heaven and of the fatherhood of God, but it contains no distinctively Christian doctrine, and is occupied otherwise with applications of purely ethical principles. It might fairly be entitled a Lecture on Practical Ethics. These principles determine what is due in domestic, in social, and in civic order, and are likewise fundamental in religious order. Hence it is that so much is discovered to be common to all those religions, both natural and revealed, that have attained to the dignity of a system.

§ 125. In general it is true that wherever cults develop, even those full of superstition, there arises a priesthood professing the function of mediator to propitiate the superhuman power. The priesthood becomes organized, and unites with the State, seeking its protection, using its authority, and lending in turn its potent influence to strengthen the secular government. So it has been with the Christian Church, an organization that prevails to-day throughout Europe and America. To it we will now give special attention.

In the Christian Church we find a purified and exalted ethical doctrine, including natural religion, supplemented and complemented by revelation. Christianity is differentiated from other religions by the teaching that Jesus of Nazareth is the Christ, the incarnate Son of God, making atonement by the cross, and ever living as Savior and King. It is this differentia only that Christian polemics has to defend against infidelity. Its expansion constitutes Christology. With this a treatise on Ethics has nothing to do; it is concerned only with the generic elements expanded into natural religion.

For, all the great virtues that stand out as cardinal have had existence among all peoples from the beginning. The decalogue, excepting perhaps the sabbath-day law, contains nothing new. All moral obligations binding men to God

and to each other originate, not in legislation, but in the nature which God gave to man, and are determined in detail by the variations in his complex relations. The virtues have been developing through all the ages among all peoples, and are developing to-day under a better understanding, a fuller comprehension, a more subservient recognition of personal relations and their consequent obligations. No doubt Christianity has been and still is powerfully influential in their higher development, giving brighter light over a widening horizon; but Christianity did not originate them, it merely found them, enlarged them, enlightened them. Manifestly, the all-informing, all-embracing, fundamental law of Christian activity, is the ethical, altruistic law of loving service.

§ 126. Historically the Christian Church emerged from Judaism very weak in numbers, and in social influence. Its organization, comparable to a shepherd with his flock, was extremely simple and apparently feeble. But its native strength was soon manifested. The original hundred and twenty speedily became as many thousands. Local churches were multiplied. The "heresy" was propagated with an activity, energy and devoted zeal that knew no bounds. It spread into Asia Minor, it invaded Europe, and entered Rome. The vast power of the State, then mistress of the civilized world, was put forth to suppress the rising 'superstition,' and in the course of three centuries ten fierce and bloody persecutions, extending throughout the Empire, and waged with all the implacable might of the Roman power, sought to crush it, and failed. Gathering new and greater strength from adversity, it successfully resisted the oppressor, conquered the conqueror, and shared the throne of the Cæsars.

This affiliation of the Church with the State, in the middle of the fourth century, together with an increasing complexity

and solidarity of organization, gave even greater efficiency to its propagandism. Apparently weakened by the schism into East and West, into Greek and Latin, it nevertheless withstood the floods of barbarians that overwhelmed and overthrew the Empire, converted and subdued them, saved Christianity for Europe, and ruled the continent throughout the mediæval centuries. In modern times, beginning with the sixteenth century, a further division of the Western Church into Catholic and Protestant, with many subdivisions, has occurred, which seems to have stimulated rather than impaired its zealous activity. Thus during two millenniums, amid the rise and fall of States and Empires, the Church has maintained its growing power, and to-day Christendom embraces Europe and America, and is pressing its jurisdiction into Asia, Africa, and the isles of the sea.

§ 127. What therein determines this unique persistence and expanding potency is not far to seek. First, there is an exalted, purified and extended morality, approving itself to the heart and conscience of humanity as in accord with its ideal constitution and the natural order of life among men, which morality is taught in precept and urged in practice. Secondly, there is an enlarged and enlightened view of our relation and obligation to God as Our Father, giving to natural religion a clearness and cogency never attained in the schools of philosophy. Thirdly, there is a well settled claim of a divine origin, of a divine founder in the person of Jesus of Nazareth, of a divine revelation promising redemption to the faithful and eternal blessedness to the righteous. We would not ignore but heartily approve the further claim of the Church that it is multiplied, upheld and impelled by the immanent Spirit of God; but, from a historic and philosophic point of view the aforementioned principles go far toward explaining the phenomenal strength and growth of

this the most durable and comprehensive of all human organizations.

Moreover, consider the ends for which the Church proposes itself as the means. It claims to have solved the problem of life, to interpret its meaning, and to offer sure guidance to the faithful. Maintaining that our terrestrial life is teleologically justified only by the fact that it is related to a higher life, to a life beyond, and therefore has import, not as an end in itself, but as a period of preparation and probation for eternal life, it proclaims to restless humanity: Come unto me, and find your promised rest. "We may concede that the teleology of history has never reached a system formally more complete than the philosophy of the Church. Heaven and eternal happiness the goal of historical life, the earth its temporal scene of action, its central point the incarnation of God and the foundation of the Kingdom of heaven on earth, all past ages leading up to this culmination which shall determine the entire future, the whole course of history bounded by the day of creation on the one hand and the day of judgment on the other, these indeed constitute such a grand philosophy of history that Hegel's or Comte's barren abstractions are mere nothing when compared with the fruitful, concrete conception." Under the shield of this massive doctrine, and by right of its divine ordination, the Church is claiming ownership and actively seeking possession of the whole world in the name of its living King.

§ 128. In the fourth century the Church was incorporated with the State. It is generally admitted by ecclesiastical historians that, from and after the time of Constantine, the original constitution of the Church was overlaid by a vast body of human additions, particularly by the hierarchy, assimilating the magistracy by a long gradation of ecclesiastical dignities or powers, rising upward from the primitive pastor or curate

to the bishop, to the pope or patriarch; and that by these and other results of the alliance of the Church with the Empire, its simplicity was lost, its purity corrupted, and the prior relations of the clergy and laity injuriously affected. Yet "it was of immense advantage to European civilization that a moral influence, a moral power, a power resting entirely upon moral convictions, upon moral opinions and sentiments, should have established itself in society, just at the period when it seemed on the point of being crushed by an overwhelming physical force. Had not the thoroughly organized Church at this time existed, the whole world must have fallen a prey to mere brute power. It alone possessed a moral power; it maintained and promulgated the idea of a precept, of a law superior to all human authority; it proclaimed that great truth which forms the only foundation of our hope for humanity, namely, that there exists a law above all human law, which, by whatever name it be called, whether reason, or the law of God, or what not, is, at all times and in all places, eternally one and the same."

In the course of the centuries, however, the alliance of the Church with the State proved unwholesome. An arrogant and ambitious clergy endeavored to render its rule entirely independent of the people, to bring them under authority, to take possession of their mind and life without the conviction of their reason or the consent of their will. Claiming to be in possession of the keys, it exercised a spiritual lordship of almost unbounded power. It endeavored with all its might to establish a theocracy, to usurp the temporal authority of the State, to establish universal dominion. The struggle for supremacy between the Church and the State, always at the expense of the liberties of the people, often resulted in the subjugation and subservience of the latter; and the former, asserting its catholicity, was for centuries the dominant power over Europe. Ecclesiastical dissension and division, in some

States, broke this dominion, but the ill-starred communion of the two organizations has persisted, an unholy alliance, confusing the sacred with the secular to the prejudice of both.[1]

The end, the ultimate purpose for which the State exists, and that for which the Church exists, are quite distinct, and their rightful means of attaining their ends have little in common. The proper function of the State is concerned with the material prosperity, the external wealth of its citizens; the proper function of the Church is concerned with the spiritual prosperity, the internal weal of its clergy and laity. The one seeks to protect and promote the health and wealth of the body politic; the other to edify and multiply its adherents. Membership in the one is quite involuntary; in the other it is essentially voluntary. The one upholds its authority by physical force; the other by moral force alone, having no penalties beyond censure and excommunication. The State has sharply marked geographical limits which it may not transgress; the Church, expanding its realm, freely invades all other realms. The former is in no sense a propagandist; the latter is essentially a missionary. In their union the lines of demarcation become obscured, and each undertakes more or less the office of the other, leading to a struggle for mastery and a consequent hinderance of efficiency. Christendom has greatly suffered, and is still suffering from this error. And not without warning. For, at the very origin of the Church, their prospective divorce, their separate functions, their distinct work and harmonious adjustment, were declared in the profoundly wise prescription of its founder: Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's.[1]

§ 129. A local church politically free, and constituted simply of a pastor, deacons and lay members, is strictly and distinctly an organism. Very generally, local churches come

into organic union with each other, constituting synods, conferences, councils. These again organize into yet more comprehensive ecclesiæ or general assemblies, officered by a hierarchy of priests, bishops, and other clergy, whose constitutional functions are formally defined. All the various groups of church organization, of various denomination, notwithstanding their differences and dissensions, are furthermore in reality organized into a holy Church universal, one truly catholic, by their common acceptance of the New Testament as organic and ultimate law, interpreted, and in some cases modified, as in the Church of Rome, by ecclesiastical authority. In the universal and intensely active Christian Church, with its many subsidiary organizations, their officers and members, we discover the most extensive, complete and powerful organism ever known, and one which is rapidly realizing the ancient dream of universal empire in an organic unification of mankind.

From the varied relations obtaining in this Christian body, wherein all are members one of another, arises a multiplicity of special obligations and active duties calling for a never flagging constancy and devotion, and heartily recognized as displacing by superior claim all conflicting calls. Each member confesses that he belongs to the Church, and does not hesitate to name this servitude as a sufficient reason for his special conduct. On the other hand, the Church belongs to him, serving to edify his spiritual worth. Moreover, it is a common brotherhood, a communion, a fellowship one with another, and with the divine head, all working together for nearness and likeness to God. These obligations ramify throughout every other class of duties, intensify and sanctify them. The Christian man among men, the Christian father, mother, son and daughter, the Christian member of the community where his lot is cast, the Christian man of affairs, the Christian citizen and statesman, is more closely bound in

each and all of these relations by virtue of his Christian confession, and finds therein new and higher, the highest motives for ordering all his conduct on the principles inculcated by the Christian Church. Thus this spiritual organism enters into, and exerts a dominant influence over, all the relations and obligations of our temporal life, while looking and preparing for the eternal life beyond.

It has been pointed out that natural religion in its origin and perfection is ethics, also that the Christian religion is ethics extended, confirmed, refined. The revelation of God in Christ reconciling the world unto himself, expands obligation heavenward, and widens its horizon to embrace all mankind. The ethics of every day life, which is not itself distinctively Christian, finds its complement in the doctrines of the Church. The teachings of the Teacher have enlightened human reason, cleared the moral judgment, exalted the moral sentiments, purified motives, and subdued the will. The realm is enlarged, but it is the realm of ethics still, involving conscience, obligation, duty, gratitude, love. We found the moral law to be Thou shalt not trespass either by invasion of rights or by evasion of dues, having an equivalent in Be thou just, and in Thou shalt love and serve. Christianity lays no other mandate. The loving service of God, and of his Christ, and of his creatures, a fellowship in mutual self-sacrifice, is its very essence; and clear definitions of duty, pressing incentives to activity, and divinely ordained means of efficiency, are supplied by its organized Church.

FINIS.

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